

PRIVATE AND SPECIAL STATUTES

OF THE

Commonwealth of Massachusetts.

PRIVATE AND SPECIAL
STATUTES
OF THE
Commonwealth of Massachusetts,

FROM MAY 1822, TO MARCH 1830:

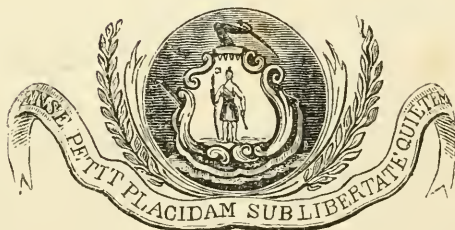
REVISED AND PUBLISHED

BY AUTHORITY OF THE LEGISLATURE,

IN CONFORMITY TO A RESOLVE,

PASSED APRIL 16, 1836.

VOL. VI.



Boston:

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1837.

NOTICE.

THE Legislature, by a resolve, passed April 16, 1836, ordered the Special Acts, passed since February 1822, to be collated and published in volumes, as nearly as may be, in conformity with the volumes of the Special Laws heretofore published ; and authorized the Governor to appoint a Commissioner to carry the provisions of the resolve into effect.

The undersigned having been appointed by His Excellency the Governor to perform that duty, has in conformity to the directions of the resolve, inserted in this collection, which makes the sixth and seventh volumes of the series of Private and Special Statutes of the Commonwealth, all the Special Acts passed since February, 1822. When it has appeared doubtful to which class, public or private, a particular act belonged, or when some of its provisions have partaken of the character of both, it has been inserted in this collection from a belief that redundancy in a work like this, would be more readily excused than deficiency. Acts, and parts of acts, which have been repealed, are printed in a smaller letter.

The most scrupulous care has been taken to preserve the original text, which is uniformly printed in the Roman letter. Where one word has been supposed accidentally to have been inserted for another, and also where a word was supposed to have been omitted, the word which was thought necessary has been inserted immediately after the word mistaken, or in the place of the one omitted, and

printed in italics and enclosed in brackets. Where a word in the original was deemed superfluous, or injurious to the sense, it has been printed in the common Roman letter, and merely inclosed in brackets, but this liberty has been very sparingly used, and only where the general phraseology of the Statutes, or the original papers in the Secretary's office seemed to authorize, and the connexion to require it. In all cases when a form of expression, which was intelligible, but not strictly accurate, has been often repeated, no change has been made.

Especial pains have been taken to make the references at the head and foot of each act complete, thereby rendering it in some measure an index to all the legislation upon the same subject, and, in general, saving the necessity of referring to five different indexes. This last observation, however, must be taken with a very few exceptions, and especially in the references to the acts passed in the year 1837, as a part of the sixth volume had been actually printed before those acts were passed. In printing the Statute 1830, chapter 58, the general act for the renewal of the bank charters, which is constantly referred to in the margin of the other acts, references to the preceding and subsequent acts connected with it have been omitted, from inability to make such references intelligible in a moderate space.

The Acts in these volumes have been printed from the pamphlet edition published annually by the Secretary of the Commonwealth, and certified by him to be true copies of the originals, engrossed on parchment. They have been carefully examined throughout, and when any inaccuracy was apparent or suspected, reference has been made to the original parchments. In this way a large portion of the acts have been examined, and numerous errors, especially in the earlier volumes of that edition, have been detected ;

and no labor short of an entire collation of every act with the original has been spared, to make the acts printed in these volumes exact copies of the originals. For these examinations the Secretary of the Commonwealth has furnished every needed facility.

A few acts passed before the first session of the General Court under the Constitution in 1780, which are referred to, or connected with the acts printed in these volumes, and which have not been printed in any of the five preceding ones, will be found in an Appendix to the seventh volume.

An index to the matters contained in it has been inserted in each volume, according to the directions of the resolve.

SAMUEL B. WALCOTT.

NOVEMBER, 1837.

PRIVATE AND SPECIAL

Statutes

OF

MASSACHUSETTS.

An ACT to cede to the United States the jurisdiction of a part of Billingsgate Island.

Chap. 1.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and hereby is granted to the United States, to purchase a tract of land, not exceeding four acres, which shall be found necessary for the light house authorized by Congress to be built, on Billingsgate Island, in Barnstable Bay ; and may hold the same during the continuance of the use and appropriation aforesaid ; *provided*, that this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or any buildings which may be erected thereon, in the same way and manner as though this consent had not been granted as aforesaid. [June 8, 1822.]

Cession of part of Billingsgate Island to U. S.

Concurrent jurisdiction retained.

An ACT to extend the powers of the Religious Charitable Society, in the County of Worcester.

Chap. 2.

1813. ch. 104.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Religious Charitable Society, in the county of Worcester, be, and they hereby are authorized and empowered to receive and hold money or any other property, both real and personal, by gift, grant, devise, or bequest, or otherwise, for any other charitable object, besides those specified in their act of incorporation, and to apply the same, or the proceeds and income thereof, to the particular object or objects, designated by the donor : *Provided, however*, that the whole amount of their annual income, do not exceed the sum limited in their said act of incorporation. [June 13, 1822.]

May hold real and personal estate.

Proviso.

An ACT to incorporate the Associated Housewrights in Boston.

Chap. 4.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Augustus Octavius Barton, Thomas Barry, Seth Cope-

Persons incorporated.

land, Oliver Downing, John Drayton, Joseph Eustis, William Goddard, Edward Gray, Joab Hunt, Isaac Jenkins, Foster Low, Nehemiah Lovejoy, Ephraim Marsh, Oliver Mills, Alexander Parris, Caleb Pratt, James Sargent, Jesse Shaw, Joseph Stodder, Seth Thaxter, William Todd, Mark Weare, together with their associates and successors, be, and they are hereby incorporated, by the name of the Associated Housewrights in Boston; with power to have and use a common seal, and to make by-laws for the governing the affairs of the said association, and the management and application of its funds; and also for promoting inventions, and improvements in their art, by granting premiums; to assist mechanics with loans of money, and to relieve the distresses of unfortunate mechanics and their families; and shall have and use, all other privileges incident and usually given by acts of incorporation to charitable societies. And the said association may hold real estate, not exceeding in value two thousand dollars, and personal estate, not exceeding ten thousand dollars.

SECT. 2. *Be it further enacted,* That any two of the persons herein named, are hereby empowered to call the first meeting of the said association, at such time and place as they may appoint, by giving personal notice to each of their associates, to choose their officers; at which meeting the mode of calling future meetings, shall be regulated and settled.

SECT. 3. *Be it further enacted,* That this act may be amended, revised, and repealed, at the pleasure of the Legislature. [June 13, 1822.]

Chap. 5.

An ACT to incorporate the Boston Iron Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Horace Gray, David Moody, and Samuel Dow, Junior, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Boston Iron Company, for the purpose of rolling, cutting, and otherwise working iron, at Boston, in the county of Suffolk, and at Roxbury, in the county of Norfolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed four hundred thousand dollars; and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of one hundred thousand dollars, exclusive of the buildings and improvements, that may be made thereon by the said corporation. [June 13, 1822.]

Chap. 6.

An ACT to incorporate the Salem Charitable Mechanic Association.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Howard, Nathaniel Frothingham, Samuel Gray, and John Derby, Junior, and all those who have associated, or may

hereafter associate with them, be, and they are hereby incorporated and made a body politic, for the term of twenty years, by the name of the Salem Charitable Mechanic Association; and by that name shall be known in law, and shall be capable of suing and being sued, and shall have power to have and keep a common seal, to make by-laws, for the election of their members and officers, the collection of assessments, the regulation of their meetings, and the appropriation of their funds for charitable uses, and to effect the objects of their association.

General powers.

SECT. 2. *Be it further enacted*, That the said corporation shall have power, and be capable in law, to purchase, take, have, hold, use, retain and enjoy, in fee simple or otherwise, any real or personal estate within this Commonwealth, not exceeding twenty thousand dollars in value in real estate, and ten thousand dollars in personal estate; and the same to sell, alien and dispose of at their pleasure.

Real or personal estate.

SECT. 3. *Be it further enacted*, That the funds of said corporation shall only be employed in relieving the distresses of unfortunate mechanics and their families, in promoting inventions and improvements in the mechanic arts, by granting premiums for such inventions and improvements, and in assisting young mechanics with loans of money.

Distribution of funds.

SECT. 4. *Be it further enacted*, That John Howard be, and he hereby is authorized to call the first meeting of said corporation, by giving public notice of the time and place thereof, in the newspapers printed in the town of Salem, fourteen days, at least, before the time of said meeting. [June 14, 1822.]

First Meeting.

An Act to incorporate the Trustees of the Nantucket Lancastrian School.

Chap. 7.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of Nantucket, in the county of Nantucket, a school, by the name of the Nantucket Lancastrian School, for the purpose of promoting piety and virtue, and to give youth a proper English education, in such way as to make the terms of tuition as low as possible, that the poor may be accommodated, and the whole to be regulated, as the trustees hereinafter provided shall order and direct.

School established.

SECT. 2. *Be it further enacted*, That John Jenkins, Perez Jenkins, John Webster, Jonathan Smith, Job Colman, Thomas Davenport, and William Jenkins, be, and they hereby are appointed trustees of said school; and they are hereby incorporated into a body politic, by the name of the Trustees of the Nantucket Lancastrian School; and they and their successors shall be, and continue a body politic and corporate, by the same name forever; and they shall annually hold a meeting in March or April, for the choice of officers, and as much oftener as may be necessary, to transact their business; which meetings, after the first, shall be called in such way and manner as the trustees shall direct.

Trustees.

Corporate powers.

Choice of officers.

SECT. 3. *Be it further enacted*, That the said trustees and their successors, shall have one common seal, which they may break, change and renew, from time to time, as they shall see fit; and they may sue and be sued, in all actions, real, personal or mixed, and pro-

General powers.

secute and defend the same to final judgment and execution, by the name of the Trustees of the Nantucket Lancastrian School; and may appoint an agent or agents to prosecute and defend such suits.

Trustees may
appoint officers.

SECT. 4. *Be it further enacted*, That the said trustees and their successors, shall and may, at any legal meeting, elect a president, and a secretary to record the doings and transactions of the trustees, and also a treasurer to receive and apply the monies of the said corporation, as hereinafter directed, and they are hereby made the visitors, trustees and governors of said school, in perpetual succession forever, to be continued in the way and manner hereafter specified; with full power and authority to elect an inspecting committee, and such other officers of said school as they shall judge necessary and convenient; and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said school, as to them shall seem fit and requisite.

Inspecting
Committee.

Rules and or-
ders.

Number of trus-
tees limited.

SECT. 5. *Be it further enacted*, That the number of the trustees aforesaid, shall not, at any one time, be more than nine, nor less than five; and five shall be necessary to constitute a quorum for transacting business.

Vacancies filled
up.

SECT. 6. *Be it further enacted*, That as often as one or more of the trustees aforesaid shall die or resign, the trustees then surviving shall elect one or more persons from among the proprietors, to fill such vacancy or vacancies.

Real or person-
al estate.

SECT. 7. *Be it further enacted*, That the trustees aforesaid, and their successors, be, and they hereby are rendered capable in law, to take and hold, by gift, grant, devise, bequest or otherwise, any lands, tenements, or other estate, real or personal, which hath heretofore been given or subscribed, or which may hereafter be given or subscribed, for the purpose aforesaid: *provided*, that the annual income of the said estate, whether real or personal, shall not exceed three thousand dollars, and that such gift or subscription be faithfully applied according to the real intention of the donor; and all deeds and instruments which the said trustees may lawfully make, shall be signed by their treasurer, and sealed with their seal, and shall bind the trustees, and be valid in law.

Appropriation
of funds.

First Meeting.

SECT. 8. *Be it further enacted*, That George Cannon, Esquire, be, and hereby is authorized and empowered to appoint the time and place for holding the first meeting of the said trustees, and notify them thereof. [June 14, 1822.]

Chap. 8.

1802 ch. 107.
(v. 3. p. 156.)
1811 ch. 146.

Who shall be
members.

Assessments.

An Act in further addition to an Act entitled "An Act to incorporate a Religious Society, by the name of the First Parish in the town of Charlestown."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, all persons who may usually attend the public worship of God, in the meeting-house of the First Parish, in the town of Charlestown, not being proprietors of appropriated pews in said house, shall be, and hereby are declared to be members of said corporation; and they, with their estates, shall, in common with the proprietors of pews, who are usual worshippers in said house, be liable to a just proportion of all assessments and taxes that may be necessary to defray the charges and ex-

penses of said parish, over and above the income arising from the pews as now taxed; *provided, however*, that no greater sum than seven hundred and fifty dollars shall be so assessed and collected in any one year. And all persons so becoming members of said corporation, not being proprietors of pews, and paying such assessments as may be made to them in manner aforesaid, shall have a right to one vote in all the concerns of said parish, (except such matters and things as may relate exclusively to the pews in said house,) and shall also be entitled to all other rights and privileges, and subject to all duties appertaining to members of said corporation.

Right of voting.

General privileges.

SECT. 2. *Be it further enacted*, That whenever said corporation shall vote and grant any sum of money, for the defraying of necessary parochial charges, no unintentional error in assessing the same by the enumeration of persons not members of said corporation, or the omission of those who are, shall vitiate or annul such assessment, with respect to those who shall be otherwise duly assessed. [June 15, 1822.]

Validity of assessments.

An Act to incorporate the City Manufacturing Company.

Chap. 9.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Otis Everett, John French, and Eli Richardson, Junior, their associates, successors and assigns, be, and they are hereby incorporated, by the name of the City Manufacturing Company, for the purpose of making cotton and woollen goods, in Franklin, in the county of Norfolk; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Persons incorporated.

General powers.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said City Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate, as may be necessary and convenient, for carrying on said manufactures; *provided*, the value of the same do not exceed the sum of two hundred thousand dollars. [June 15, 1822.]

Real and personal estate.

An Act to incorporate the Dighton Manufacturing Company.

Chap. 10.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Israel Brayton, Oliver Chase, Eliab B. Dean, Josiah Dean, Elisha Lincoln, Nahum Mitchell, James Maxwell, Clark Shove, Nathaniel Wheeler, Nicholas Stephens, and Nathaniel Williams, together with such others as may hereafter associate with them, and their successors and assigns, be, and they are hereby incorporated, by the name of the Dighton Manufacturing Company, for the manufacturing of cotton goods, at their manufactory, situated in the towns of Wellington and Taunton; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled “an act

Persons incorporated.

General powers.

1808 ch. 65.

defining the general powers and duties of manufacturing corporations," and also the several acts supplementary thereto.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and of such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [June 15, 1822.]

Chap. 11.

An Act to incorporate the Trustees of the Ministerial Fund in the Second Parish in West Springfield.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Timothy Allyn, Gad Warriner, Samuel Lathrop, Justin Ely, and Jonathan Smith, all inhabitants of West Springfield, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Agawam Congregational Fund ; and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, may have a common seal, and shall possess and enjoy such other powers and privileges, as are incident to corporations, of a like nature.

General powers of the trustees.

May receive funds.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to take and receive into their hands and possession, all such sums of money, or the securities therefor, as have been paid or secured to be paid, by any of the inhabitants of the Second Parish in West Springfield, towards the support and maintenance of a congregational minister in said parish ; and may receive and hold such further subscriptions, donations, grants, bequests, and devises, as may hereafter be made to them, or the inhabitants of said parish, for the same purpose, so that the annual income of said fund shall not exceed eight hundred dollars ; the interest of which fund shall be forever appropriated, annually, towards the support of such congregational minister, as shall from time to time be ordained and settled over that denomination of christians in said parish, or in case of vacancy, towards the payment of such candidate as may be employed by a majority of the people of that denomination to preach within said parish, and to no other purpose whatever. It shall not be lawful for the said trustees to appropriate any part of the principal of said fund, and they shall use their endeavors to preserve the same entire and unimpaired. And if the said trustees, or either of them, shall suffer the said fund to be impaired or diminished, through their personal misconduct or misapplication, they shall severally be responsible to make good such loss out of their private estate.

Shall appropriate interest only.

Fill up vacancies.

SECT. 3. *Be it further enacted*, that the said trustees shall have power, and it shall be their duty, to fill up all vacancies which may happen in their board, by death, resignation or removal from the town of West Springfield. And the said trustees may, if they think proper, increase their number to seven ; but shall never suffer their number to be reduced below three.

Appoint clerk and treasurer.

SECT. 4. *Be it further enacted*, That the said trustees shall appoint a clerk, who shall be under oath faithfully to record all the votes and transactions of the board, and a treasurer, who shall give bond to the trustees, and their successors, with sufficient surety or sureties, with condition to do and perform all the duties incumbent

on him as treasurer ; which officers shall hold their respective offices until others shall be chosen to succeed them.

SECT. 5. *Be it further enacted*, That the records and proceedings of the said trustees shall at all times be open to the inspection of any committee that may be appointed for that purpose by the congregational denomination of christians in said parish. Records to be public.

SECT. 6. *Be it further enacted*, That Timothy Allyn, Esquire, be, and he hereby is authorized to call the first meeting of the trustees, at which time they may appoint the officers required by this act, and may also determine on the mode of calling future meetings of their board ; which they may change or alter at any subsequent meeting : And it shall always be in the power of any two of the trustees to call a meeting of the board, when they shall think it necessary, by leaving a written notification at the dwelling-house of each of the trustees, seven days previous thereto, designating the time and place, and specifying the object of the meeting. [June 15, 1822.] First meeting.
Special meetings.

An ACT in addition to an Act, entitled "An Act to regulate the Administration of Justice within the County of Suffolk, and for other purposes."

Chap. 12.

1821 ch. 109.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Clerk of the Police Court within and for the city of Boston, shall also be clerk of the Justices' Court of the county of Suffolk. All writs, summonses, and processes issuing from said last mentioned court may be tested by either of the justices thereof, not a party thereto ; and shall be signed by the clerk. And said clerk, or his assistant, shall attend all sessions of said justices' court, and record all proceedings therein had. And said clerk shall make out all writs and processes which the said justices, or either of them, may order, and tax all bills of cost. And said clerk shall receive and keep a true and faithful account of all fees taxable by law, and payable for blanks, fees of court, and copies in civil suits and actions ; and render a true and just account thereof quarter yearly, to the board of accounts ; and all sums of money by him so received, shall be accounted for and paid into the city treasury. And it shall be the duty of said clerk to make a true and faithful record, according to law, of the proceedings in every trial and process of a civil nature which may be had before said justices' court. And said quarterly account of said clerk shall be filed and recorded by the city treasurer, as is provided in the fifth section of the act, providing for the administration of justice within the county of Suffolk, and for other purposes, to which this act is in addition. And said clerk shall be sworn, give bond, and receive a compensation, as is provided in the fifth section of the act aforesaid. Clerk of Police Court to be Clerk also of the Justices' Court.

Duty of clerk.

SECT. 2. *Be it further enacted*, That so much of the act aforesaid, as is inconsistent herewith, be, and the same hereby is repealed. [June 15, 1822.] Add. act, 1831 ch. 65. Repeal.

An ACT respecting the Municipal Court of the city of Boston, and regulating the selections, the empannelling and services of Grand, Traverse, and Petit Jurors.

Chap. 13.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*,

1799 ch. 81. That the court of criminal jurisdiction, established by an act passed on the fourth day of March, in the year of our Lord one thousand eight hundred, and styled the Municipal Court for the town of Boston, the jurisdiction of which was afterwards extended to the county of Suffolk, shall hereafter be known and styled, "The Municipal Court of the city of Boston," with all the jurisdiction, power and authority vested in the said court.

Adjournment of
the court by
the clerk.

SECT. 2. *Be it further enacted*, That if it shall so happen, that the judge of the said court shall be unable to attend from sickness or any other cause, on any day upon which said court shall be by law, to be held, or to which said court shall stand adjourned, it shall and may be lawful for the clerk of said court to adjourn the same, either to the next stated term, or to such earlier time, and to such place, as the public convenience may, in his judgment, require. And it shall be the duty of the sheriff in attendance, or his deputies, to give notice of such adjournment by proclamation, and by posting or publishing notice thereof, or in such manner as the said court may, by any order or rule thereof, direct or appoint.

Attendance of
jurors.

SECT. 3. *Be it further enacted*, That the said court shall have power and authority to issue writs of venire facias, for the return of traverse jurors from the city of Boston, conformably to law, whose duty it shall be to attend the said municipal court, and to serve in all cases where, by law, trial by jury is required therein; and the said traverse jurors, who may be drawn and returned for the respective terms of said court, held in January, April, July and October, in each year, shall be held and required to serve as such at the said terms respectively, and also at the two terms next succeeding the said respective terms.

Repeal of former laws.

SECT. 4. *Be it further enacted*, That so much of the laws heretofore made, as required the traverse jurors drawn and returned to the court of common pleas for the county of Suffolk, to serve at any term of the said municipal court, be, and the same hereby are repealed.

Powers of mayor and aldermen.

SECT. 5. *Be it further enacted*, That all the duties required of, and powers given to towns, by the several laws "regulating the selections, the impannelling, and the services of the grand, traverse, and petit jurors," shall be exercised by the mayor and aldermen of the city of Boston. [June 15, 1822.]

1807 ch. 140.

Chap. 14.

An ACT to change the names of the persons therein described.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the several persons herein named, shall be known and called by the names they are respectively allowed to assume, namely: That George Howe, of Boston, book-binder, may take the name of George Gedney Howe; that Jesse Holbrook, of Boston, merchant, may take the name of Henry I. Holbrook; both of the county of Suffolk; that Richard Wheatland, the third, of Salem, gentleman, may take the name of Richard Goodhue Wheatland; that John Tarbox Balsh, of Newburyport, merchant, may take the name of John Theodorick Balsh; that Amos Buss, of Salem, trader, may take the name of Amos Sawyer Thorn-

Suffolk.

Essex.

ton ; that Francis Huntress, of Salisbury, a minor, may take the name of Joshua Follensbee ; all of the county of Essex ; that Timothy Brown, of Reading, painter, may take the name of Timothy Noyes Brown ; that Sarah Brown, of Billerica, may take the name of Sarah Putnam Brown ; children of Timothy Brown of Tewksbury, all of the county of Middlesex ; that Daniel Hunt of Weymouth, cordwainer, may take the name of Albert Hunt, of the county of Norfolk ; that Jahleel Brenton, of Plymouth, in the county of Plymouth, printer, may take the name of James Jahleel Brenton ; that Joseph Carpenter, the second, of Rehoboth, housewright, in the county of Bristol, may take the name of Joseph Carpenter Brown ; that Sherebiah Hunt, Junior, of Ashburnham, may take the name of Charles S. Hunt ; that Benjamin Savage, of Grafton, husbandman, may take the name of Benjamin Dillingham Phelps ; that Zenas Studley, of Western, housewright, may take the name of Henry Zenas Studley ; that Squire Wood, of Grafton, may take the name of Abijah Wood, all of the county of Worcester ; that George Williams, of Deerfield, in the county of Franklin, may take the name of John George Williams : and the said several persons herein named, shall hereafter be called and known by the names, which, by this act, they are respectively allowed to assume as aforesaid ; and the same shall be considered as their only proper and legal names. [June 15, 1822.]

An ACT to empower the Court of Sessions in the County of Middlesex to authorize the erection of a Bridge across Charles River. *Chap. 15.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the justices of the Court of Sessions, within and for the county of Middlesex, may, and they are hereby empowered to authorize and direct any person or persons, corporation or corporations, on application therefor, at their discretion, to erect and maintain a bridge, either with or without a draw, across Charles River, from Watertown to Brighton, to be open and free for all persons whomsoever, to travel over and upon at their pleasure ; provided, that no part of the expense of erecting and supporting such bridge shall ever be chargeable upon the county of Middlesex, or any of the towns belonging thereto, without their consent. [June 15, 1822.]

Court of Sessions may authorize a bridge to be built over Charles River, from Watertown to Brighton.

An ACT to provide for the erection of Two Story Wooden Buildings in the city of Boston.

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall be lawful to erect, within the city of Boston, two story wooden buildings, to be used for dwelling-houses and for no other purpose, except for such purposes as may be approbated by the firewards of said city of Boston, of the following description, to wit : The posts to be not more than eighteen feet—the roof to be of a regular pitch of one third ; the bottom of the sills to be elevated not exceeding eighteen inches above the level of the street, or above the point where such level shall be determined on by the city authorities ; such buildings in no case to be more than thirty feet in height from the bottom of the sill to the highest point of the roof ; and in no case to be more than

Chap. 16.

1817 ch. 171.
1821 ch. 26 : 31.

Two story wooden buildings may be erected.

forty by twenty-five feet on the ground :—The roof to be slated, and to have at least one window or scuttle in the same.

Brick partition
walls.

SECT. 2. *Be it further enacted*, That whenever two or more buildings as aforesaid shall be joined together, there shall be a partition wall of brick, at least eight inches in thickness, to extend in height at least to an even surface with the under side of the slating of the roof ; and whenever any such building shall be erected within five feet of the boundary line of the owner or owners of the land on which it may be built, unless such boundary line be on the highway, it shall have a brick wall of like thickness on the side so adjoining : *provided*, that no two story wooden buildings provided for in this act, shall be erected within ten feet of each other, unless one of them have a brick wall on the side next adjoining, of the dimensions aforesaid.

Slated roofs.

SECT. 3. *Be it further enacted*, That whenever any outbuildings shall be connected with the dwelling-houses provided for in this act, of more than eleven feet in height, the roof of such outbuildings shall be covered with slate.

Restrictions.

SECT. 4. *Be it further enacted*, That from and after the passing of this act, no wooden building shall be erected within the city of Boston, except in that part called South Boston, in a range of more than fifty feet extent, without the intervention of a brick partition wall, of at least eight inches in thickness, such wall to extend six inches at least above the surface of the roof ; and no wooden buildings shall be placed within four feet of each other, unless the wall of one of them so adjoining, be of brick or stone, of the thickness aforesaid.

Penalties.

SECT. 5. *Be it further enacted*, That any person who shall be convicted in due course of law, of violating any of the provisions of this act, either by himself or agent, shall forfeit and pay for each and every such violation, not less than fifty, nor more than five hundred dollars ; which penalty he shall pay annually, until such building shall be removed, or constructed according to law ; one half of said penalty to enure and be paid to the person who shall complain or sue for the same, and the other half to said city of Boston ; the same to be recovered in an action of the case, or by indictment.

Repeal of laws.

SECT. 6. *Be it further enacted*, That all laws now in force, so far as they are inconsistent with the provisions of this act, be, and the same are hereby repealed. [June 15, 1822.] Add. act—1826 ch. 144 : 1829 ch. 34 : 1835 ch. 139.

Chap. 17.

An ACT to incorporate the Second Congregational Society in Lynn.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Brimblecom, Ezra Hitchings, William Badger, Henry Newhall, Henry A Breed, James Phillips, Junior, William Chadwick, George Bracket, and Benjamin Clifford, with their associates and successors, be, and they hereby are incorporated as a religious society, by the name of the Second Congregational Society in Lynn ; with all the privileges, powers, and immunities, to which other religious societies in this Commonwealth are by law entitled.

SECT. 2. *Be it further enacted*, That said society shall be capa-

ble in law, to purchase, hold and dispose of any estate, real or personal, for the use of said society ; *provided*, the annual income thereof shall not exceed at any time, the sum of three thousand dollars. Estate.

SECT. 3. *Be it further enacted*, That the said society may have power to elect all necessary officers, and to order and establish such regulations, rules and by-laws for their government, and for the management of their property and concerns, as they may see fit ; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth. Rules and by-laws.

SECT. 4. *Be it further enacted*, That the persons named in the first section of this act, or either of them, may cause the first meeting of said society to be called, for any purpose specified by them, to be posted up in some public place in said Lynn, giving notice of the time and place of said meeting ; at which meeting said society may agree on the mode of notifying future meetings. [June 15, 1822.] First Meeting.

An Act to incorporate the Amesbury Flannel Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Amos Lawrence and Abbott Lawrence, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Amesbury Flannel Manufacturing Company, for the purpose of manufacturing wool, at Amesbury and Salisbury, in the county of Essex ; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the acts in addition thereto. Chap. 18.
Persons incorporated.
General powers.
1808 ch. 65.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars ; and they may, in addition to the sum aforesaid, be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purpose aforesaid, not exceeding the value of seventy five thousand dollars, including the buildings and improvements that may be made thereon, by the said corporation. [June 15, 1822.] Capital stock.

An Act in addition to an Act, entitled “An Act to incorporate certain persons into a Company, by the name of the Lechmere Point Corporation.” Chap. 19.
1809 ch. 95.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That an act, entitled “An Act to incorporate certain persons into a company, by the name of the Lechmere Point Corporation,” be, and the same is hereby revived and continued in force, for the term of six months from the passing of this act, and no longer, to the end of enabling said corporation to sell and dispose of their estate, by partition or otherwise, and to settle their affairs. Continuation of corporate powers.

SECT. 2. *Be it further enacted*, That it shall be, and hereby is made lawful for the proprietors of the Canal Bridge, so called, to purchase of said Lechmere Point Corporation, all the flats belonging to the said proprietors, and also such part of the upland belonging to Purchase of flats.

the said proprietors, not exceeding ten acres in the whole, as they may judge to be convenient and advantageous to their interest in said bridge, and to hold, improve, or sell the same, as they may see fit.

SECT. 3. *Be it further enacted,* That it shall be lawful for the said proprietors, and their legal representatives, and for the guardians of minors interested in said land, if need be, to grant, sell and convey to the said corporation, their respective rights, title and interest in said land, to the end that the same may be revested in said corporation, in the same manner, and to the same uses and intent as if the said act, to which this is in addition, had not expired : *provided always,* that this act shall not be in force or take effect, until all and each of said proprietors, or their legal representatives, and the said guardians of minors, shall by writing, under their hands, have expressly consented to the same. [June 15, 1822.]

Chap. 23. An Act to cede to the United States the jurisdiction of a site for a Light House on the Island of Kutta Hunk.

Cession of land,
for a light house
on Kutta Hunk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the jurisdiction of two acres of land on the north western extremity of the Island of Kutta Hunk, in this Commonwealth, be, and hereby is granted to the United States of America, for the purpose of erecting a light house on the same ; *provided,* that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction with the United States, in and over said land, so far, as that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same way and manner, as if jurisdiction had not been granted as aforesaid. [June 15, 1822.]

Chap. 24. An Act to incorporate the Trustees of the Ministerial Fund in the Town of Pittsfield, in the County of Berkshire.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Deacon Daniel Crowfoot, Calvin Martin, Samuel M. McKay, Thomas B. Strong, Joseph Shearer, Nathan Willis, and John C. Williams, Esquires, all of said Pittsfield, be, and they are hereby appointed trustees for the prudent management of the fund of the congregational society in the said town ; and for that purpose shall be a body corporate and politic, by the name of the Trustees of the Congregational Ministerial Fund in Pittsfield ; and they and their successors in that office, shall have and use a common seal, and by the same name may sue and be sued in all actions, real, personal or mixed, and may prosecute and defend the same to final judgment and execution ; and shall exercise all other powers and privileges incident to similar corporations : and the same trustees, and their successors, may and shall annually elect a president, and a treasurer, to receive and apply the monies which may be given to the said fund, as he may from time to time be directed by the trustees ; of which receipts and expenditures, he shall keep a correct account, open at all times to the inspection of the said trustees.

General powers.

Annual election
of president and
treasurer.

Clerk and other
officers.

SECT. 2. *Be it further enacted,* That the said trustees, and their successors in office, shall annually elect a clerk, who shall be

sworn faithfully to record the doings of the said trustees, and may also elect and appoint any other needful officers or agents, for the better management of their concerns ; and all such elections shall be by written votes.

SECT. 3. *Be it further enacted*, That the number of trustees shall never exceed seven, nor be less than five, any four of whom may be a quorum for doing business ; and they shall have power, from time to time, to fill vacancies in their number, happening by death, resignation, or removal from said town of Pittsfield ; and the said trustees, and each of them, shall be responsible to the said society for their personal misconduct or neglect, and liable to prosecution for any loss or damage to the said funds, arising thereby ; and the debt or damage recovered in such case, shall be considered as belonging to the said fund, and applied accordingly. And the said trustees shall hold a meeting yearly in March or April, and as often as the affairs of the said fund may require ; which meeting shall be notified and called in such way and manner as the said trustees, at any meeting, may order and direct ; and the treasurer of the said fund shall give bond to the acceptance of the said trustees, whose duty it shall be to obtain the same, for the faithful performance of his duty, and be at all times responsible for the faithful application and expenditure of monies which may come into his hands, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in said office.

Number of trustees.

Responsibility of trustees.

Yearly meeting.

Treasurer to give bond.

SECT. 4. *Be it further enacted*, That the said trustees be, and they are hereby empowered to sell and convey the ministerial lot of land, lying in said Pittsfield, appropriated for the use of the ministry, and to make, execute, and acknowledge good and sufficient deeds thereof ; which deed or deeds, subscribed by the treasurer, and countersigned by the clerk, with the seal affixed, shall be good and effectual in law, to convey the fee simple from said parish to the purchasers ; and the proceeds of such sale shall constitute a part of said fund ; and the said trustees shall be holden to render to the said congregational society a true account of their doings respecting said fund, yearly, and the amount of its income, and to provide that the income thereof shall be duly and regularly applied to the use designed, to wit, to the support of the public worship of God in the said society. And the said trustees and others, who may be employed by them in the business of the said fund, shall receive no compensation therefor from the monies of the said fund, but a reasonable compensation may be made to them by the parish, at their discretion.

May sell and convey ministerial land.

Appropriation of funds.

SECT. 5. *Be it further enacted*, That the said trustees and their successors be, and they are hereby empowered to take and hold, by gift, grant, or otherwise, any real or personal estate, for securing the interest of said fund ; *provided*, the annual income thereof shall not exceed the sum of two thousand dollars.

Real and personal estate.

SECT. 6. *Be it further enacted*, That if said trustees, or their successors in office, shall ever wittingly and designedly apply any part of said fund, or any part of the interest thereof, to any other use or purpose than is provided for in this act, then their authority and power as trustees shall become void ; or should the said town of

Misapplication of funds.

Pittsfield, into whose treasury the interest aforesaid is to be paid, apply the same contrary to the intent of the donors, then the said fund shall revert to the original donors respectively, and their heirs, in the same proportion as first given by them.

First meeting.

SECT. 7. *Be it further enacted*, That any justice of the peace for the county of Berkshire, upon application therefor, is hereby empowered to issue a warrant to one of the trustees before named, requiring him to notify and call the first meeting of the said trustees, at such convenient time and place as shall be appointed in said warrant, to organize the said corporation, by the election and appointment of its officers. [June 15, 1822.]

Chap. 25.

AN ACT to establish the Essex Mill Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Dexter, Winthrop Low, William Andrews, Junior, George Choat, Dudley Choat, Enoch Low, Ezra Perkins, Joshua Low, John Choat, and James Perkins, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, by the name of the Essex Mill Corporation; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution thereon, in any court or courts within this

General powers.

Commonwealth; and said corporation shall have power to make and use a common seal, and the same to break and alter at pleasure; and may, from time to time, make such by-laws, not repugnant to the constitution and laws of this Commonwealth, and appoint such officers and agents, and give them such authority as may be necessary for the due regulation of their affairs; and to promote the objects of the corporation, may hold real and personal estate, not exceeding in value the sum of ten thousand dollars, and may do and suffer all other acts and things which bodies corporate may or ought to do or suffer.

Real and personal estate.

May build dam with passage for boats, and erect mills.

SECT. 2. *Be it further enacted*, That said corporation may build a dam across Chebacco river, at or near the Great Bridge, so called, in the town of Essex, in the county of Essex, with gates twenty feet wide, for the passage of large boats and other water craft, free of toll, and sluice ways and other erections necessary to admit and detain the tide waters from the upland, on the north side of said river, to the upland at Thompson's Island, so called, on the south side thereof, at the height of the surface of the marshes; and may erect a saw mill and other mills thereon; *provided*, said corporation shall make in or at the end of said dam a good and sufficient lock or locks, fifteen feet wide and fifty feet in length, for the passage of flat bottom boats, gondolas, and other water craft, and shall attend and admit the same, free of toll, through said lock, for the ordinary purposes of business, at all times when requested, except Sundays; *and provided, also*, that said corporation shall make a waste gate, twelve feet wide, and eighteen inches deep from the top of said dam, which shall be kept open at all times when the high marshes are flowed above said dam. And said corporation may keep and maintain all their said mills and works forever, and no person shall dispose of said waters, without the consent of said corporation.

Boats to pass free of toll.

Waste gate.

Shares of stock.

SECT. 3. *Be it further enacted*, That the stock and property

of said corporation shall be divided into one hundred shares, and shall be deemed and taken to be personal estate; certificates of which shares shall issue under the seal of said corporation, signed by the president, and countersigned by the treasurer thereof; and said shares may be transferred by deed duly executed and acknowledged before any justice of the peace, and recorded by the clerk of said corporation, in a book to be kept for that purpose.

SECT. 4. *Be it further enacted*, That John Dexter, Winthrop Low, and William Andrews, Junior, or the major part of them, may call the first meeting of said corporation, by posting up notifications of the time and place of holding the same, in two or more public places in said town of Essex, ten days at least before the time of holding the same; at which meeting a clerk shall be chosen and sworn to record the doings thereof, and a committee of three persons shall be raised to open a subscription for said shares; and when sixty shares shall be subscribed for, (no person being permitted to subscribe for more than twenty-five shares), the said committee shall call a meeting of the subscribers, at some convenient time and place, for the purpose of more fully organizing said corporation; at which meeting, each subscriber shall be entitled to as many votes as he has shares.

SECT. 5. *Be it further enacted*, That said corporation, or its officers duly authorized by its by-laws, may lay such assessment on the shares subscribed for, not exceeding one hundred dollars on each share, as may be necessary to effect the object of said corporation; and in case the sum so raised shall be insufficient for that purpose, the said corporation, or its officers aforesaid, may raise the necessary funds by selling any of said shares that shall not be taken up by subscription, or by creating and selling any number of shares over and above the number of one hundred herein before provided for. And if any assessment shall not be paid within thirty days from the time appointed therefor, the treasurer shall sell the share or shares on which such assessment remains due, or so many of them as shall be necessary to raise the amount due from any proprietor, with interest and charges, at public vendue, first giving notice of the time and place of sale, by posting up notifications thereof in two or more public places in said town of Essex, and in two or more adjoining towns, ten days at least, previous to said sale; and the surplus of the proceeds of such sale, after paying the amount due as aforesaid, shall be paid to the former owner of the share or shares sold; and the treasurer's deed of such shares, duly executed, acknowledged and recorded, by the clerk of the corporation as aforesaid, shall pass the said share or shares to the purchaser, to all intents and purposes, and shall entitle him to a certificate thereof; or said corporation may have an action of debt in any court competent to try the same, to recover the amount of said assessment, with interest and cost, at their election.

SECT. 6. *Be it further enacted*, That if said corporation shall not build, or cause to be built, the dam aforesaid, and shall not erect a saw mill or other mills, within five years from the passing of this act, then the same shall be void. [June 15, 1822.]

First meeting.

Subscriptions.

Assessments.

Shares of delinquents to be sold.

Notice of sale.

Action of debt.

Limitation of this act.

Chap. 26. An ACT authorizing an extra Term of the Court of Sessions, in the County of Hampshire.

Extra term.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be an extra term of the Court of Sessions in the county of Hampshire, on Thursday, the sixteenth day of January current; and that the justices of said court be, and they are hereby empowered to act upon all such subjects as may then be brought before them, in the same way and manner as at any regular term thereof: *Provided,* that any matters or things now pending in said court, shall be proceeded in, heard, and determined, as if this act had not been passed. [Jan. 7, 1823.]

Chap. 27.

An ACT to incorporate the Blackstone Canal Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Davis, William E. Greene, John W. Lincoln, Lemuel Davis, Edward D. Bangs, John Warren, John M. Earl, Daniel Waldo, Isaiah Thomas, Rejoice Newton, Reuben Sikes, Oliver Fisk, Theophilus Wheeler, John Green, Asa Hamilton, Benjamin F. Heywood, their associates, and successors, are hereby constituted and made a body politic, and shall be and remain a corporation forever, under the name of the Blackstone Canal Company; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and may have a common seal, and the same may break, alter and renew, at pleasure; and shall be, and hereby are vested with all the power [*powers*] and privileges which are by law incident to corporations of a similar nature, and which are necessary to carry into effect the objects of the association.

General powers.

May construct
canal, locks,
&c.

Direction of ca-
nal.

SECT. 2. *Be it further enacted,* That the said corporation may, and hereby is authorized to locate, construct, and fully complete a navigable canal, with locks, tow-paths, basins, wharves, dams, embankments, toll-houses, and other necessary appendages, commencing in or near the village of Worcester, and from thence down the valley of the Blackstone River, in a direction toward tide-water, in such place or places, as may be deemed most convenient for said company, to the boundary line, between the States of Massachusetts and Rhode Island; with further power to employ and use, as reservoirs for the purpose of supplying with water said canal, or such works as may have any portion of their waters diverted from them to supply said canal, North Pond, so called, in the northerly parts of Worcester, Quinsigamond, or Long Pond, so called, lying partly in Worcester and partly in Shrewsbury, and Dorety Pond, so called, lying in Millbury, with such other ponds as lie upon or near said route, and also to save the flood and other waters in said ponds, and to construct artificial reservoirs for the purposes aforesaid. And the said corporation shall have power to connect with said canal, by feeders, or by navigable canals, any or all said ponds and reservoirs: *Provided, however,* that all damages which may be occasioned to any person or persons, by any of said canals, reservoirs, or feeders, in the construction thereof, shall be satisfied by said corporation, in manner hereinafter mentioned.

Artificial reser-
voirs.]

Damages.

SECT. 3. *Be it further enacted,* That if at any time after said

canal, or any of its branches or feeders are located, unforeseen obstacles, impediments, or inconveniences occur, on the route located, the said corporation shall have power to deviate from the course marked out, so far, and in such manner, as may be best calculated to surmount, overcome, or avoid such obstacles or inconveniences; said corporation satisfying all damages which may be occasioned thereby, in the manner hereinafter provided. And said corporation may, from time to time, make such alterations in the course of said canal, its feeders, and branches, as may be found necessary or expedient, satisfying all damages in manner aforesaid.

May alter location.

SECT. 4. *Be it further enacted*, That said corporation be, and hereby is authorized and empowered to purchase and hold, to them and their successors forever, real estate, not exceeding the value of three hundred thousand dollars, and may erect mills and other works, on the waters connected with said canal, feeders, and reservoirs.

Limitation of real estate.

SECT. 5. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of said corporation forever, according to the rates following, viz. ; for every ton, (computing by weight or admeasurement, at the election of said corporation,) that shall be transported upon said canal, or any of its branches, after the rate of six cents per mile. And all boats or other vessels navigating said canal, or any of its branches, whether empty, or loaded in part only, shall be subject to pay the same toll for every ton burthen they are capable of carrying: and the right to take toll shall commence as soon as said canal, or its branches, or any part thereof shall be completed.

Rates of toll.

SECT. 6. *Be it further enacted*, That the said corporation shall have power, from time to time, to make and ordain such by-laws, rules and regulations as may be necessary, touching the premises, especially to fix upon and determine the size of boats, rafts, and all vessels, that shall be used for the purpose of navigating said canal; to determine the passing the locks, and what commodities shall not be transported, during a want of water, should such an event happen, on any portion of said canal; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth: and the penalties provided by said rules, by-laws and regulations, may be sued for and recovered by the treasurer of said corporation, or by any other person by them authorized, to their use and benefit, by an action of the case, before any justice of the peace, or any court proper to try the same, which penalties shall in no case exceed the sum of ten dollars: and said corporation shall cause all such by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous situation at each toll-house; and if any person or persons, shall wantonly or maliciously mar, deface, or pull down any copy so set up, said corporation may sue for and recover to their own use, in manner aforesaid, a sum not exceeding five dollars, of any such person or persons.

By-laws, &c.

Penalties.

SECT. 7. *Be it further enacted*, That if any person or persons, shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the water or navigation, or in any way spoil, injure, or destroy said canal, or its branches, feeders, or reservoirs, or any part thereof,

Damages for injuring the canal, &c.

or any thing belonging thereto, or any material to be used in the construction thereof, he, she, or they, or any person or persons, assisting, aiding or abetting in such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for and recovered before any justice or in any court proper to try the same, by the treasurer of said corporation, or other officer, whom they may direct, to the use of said corporation :

Offenders punished by fine, &c.

And such offender or offenders shall be liable to punishment by the grand inquest for the said county of Worcester, for any offence or offences, contrary to the above provisions, and on conviction thereof, either in the supreme judicial court, or any court of common pleas, to be holden in said county, shall pay a fine not exceeding five hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the court before whom the conviction may be had.

Location to be reported to the court of sessions.

SECT. 8. *Be it further enacted*, That whenever said corporation shall have located said canal, or any part thereof, or the feeders or branches thereto, or any of them, they may make a report thereof to any court of sessions, then to be holden, within and for the said county of Worcester, or to any adjourned term thereof, wherein they shall particularly describe the bearings of the intended route, or any section thereof, its width, including tow-paths, embankments, basins, wharves, excavations, the reservoir intended to be constructed or used, and the names of the owners of the land, so far as the same can be ascertained ; which said report so made of the whole, or of any section, or of any one or more of the feeders, or branches, or reservoirs, shall be placed on the files of said court, and notice be given thereof to the owners of the land embraced therein, if known, in such manner as the court shall direct, at the expense of said corporation.

Commissioners to be appointed.

And the said court shall thereupon appoint three discreet, and disinterested freeholders of said county of Worcester, (vacancies, if any happen, to be filled by the said court,) to estimate all damages which any person or persons, whose lands are described and mentioned in such report, shall sustain ; *provided*, such canal, or any branch, or feeder thereof, or basin, wharf, or other appendage or appurtenant, be constructed thereon. And the said commissioners, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof, and shall give public and seasonable notice, in such manner as said court shall direct, to all persons interested, to file their claims, if any they have, which have not been released to said corporation, with some one of said commissioners, or with the clerk of the courts for said county of Worcester, within thirty days from the date of said notice. At the end of the term allowed for filing such claims for damages, the commissioners, or a majority of them, having previously given notice to all parties interested, of the time, and of the extent of the route to be examined, by publishing in one or more of the public newspapers printed in Worcester, in the county of Worcester, an advertisement thereof in three successive papers at least, shall pass over the premises so intended to be used by said corporation, for the purposes aforesaid, and after

Claims for damages to be filed.

hearing the parties in interest, shall, according to the best of their skill and judgment, estimate all such damages as they shall think any person or persons, corporation or corporations, shall sustain by the opening of such canal, or any of its branches or feeders, through his, her, or their land, or by the construction of any reservoirs, embankments, tow-paths, basins, wharves, or any other appendages, over and above the benefits and advantages which the said commissioners shall judge may accrue to such person or persons, corporation or corporations, from opening said canal. And the said commissioners, or a major part of them, shall make return of their doings as soon as may be, to the said court of sessions, to the end that the same may be allowed, accepted, and recorded; and the said court shall thereupon order the said report, or the substance thereof, to be forthwith published in one or more of the newspapers printed in said Worcester, three weeks successively, at the expense of the corporation. And if the said corporation, or any person or persons interested, shall be dissatisfied with the estimate of said commissioners, application may be made by such dissatisfied party at the next term of said court of sessions after the return and acceptance of such report, and after its publication as aforesaid, for a jury to hear and finally determine upon the amount of damages to be assessed in the case complained of; which said jury shall be summoned by the sheriff, under the direction of the court, in manner prescribed by law in case of complaints for damages occasioned by the laying out of highways, and they shall be under oath according to the provisions of law in such cases; and if the party injured in his, her or their estate, apply for such jury, and fail to obtain increased damages, such party shall be liable for all legal costs arising after the entering of such application for a jury, and said court shall enter judgment and issue execution accordingly: and if said corporation apply for a jury, and fail to obtain a diminution of damages, it shall in like manner be liable for costs, and said court may enter judgment, and issue execution for such costs; and if within ninety days after the said corporation shall have entered upon the land of any person or persons, and commenced the process of excavation or embankment for the purpose of constructing said canal, or any of its branches, feeders, or reservoirs, it shall not pay or cause to be paid the damage (if any) so assessed in manner aforesaid by said commissioners or such jury, such person or persons, on whose land said operations are so commenced may have an action of debt against said corporation, in any court proper to try the same to recover such damages, and executions from whatever court the same may issue for damages assessed as aforesaid, or costs, shall be in common form, *mutatis mutandis*, and may be levied upon the goods, estate, or lands of said corporation, or any member thereof; and in case it issue from the court of sessions aforesaid, for costs as aforesaid, it shall be made returnable at the term of said court then next ensuing: and the report of said commissioners, when accepted and recorded, and not appealed from in manner aforesaid, or the verdict of a jury being returned and recorded, shall forever be a bar to any other action commenced for damages against said corporation on account of the injury for which such damages were awarded, other than as is herein provided, saving only that when yearly damages are

Estimate of damages.

Commissioners to make return to court of sessions.

Juries may be called to settle damages.

Corporation may be sued.

assessed, the party in whose favor they are assessed or ascertained by jury, shall have his action of debt to recover the same when payable, during the continuance thereof.

Alterations
made after loca-
tion.

Proviso.

Referees.

SECT. 9. *Be it further enacted*, That if after said canal shall be located, and a report of commissioners be made thereon, in manner aforesaid, any alterations shall be made in the course thereof, or in the course of any of its branches or feeders, or if any new reservoirs, branches or feeders shall be made in aid of said canal, the damages may be estimated in the same way and the same proceedings had in manner provided in this act: *Provided, however*, that in all cases it shall be competent for said corporation, and any person or persons, corporation or corporations, injured by the location of said canal, or any of its tributaries or appendages, to submit the question of damage to such referees as they may agree upon, whose award, when returned to the said court of sessions and accepted, shall be final, and said court may enter judgment accordingly; and said commissioners in all cases shall be allowed three dollars a day for their services.

Capital Stock.

Organization of
company.

Officers to be
chosen.

Right to vote.

SECT. 10. *Be it further enacted*, That the said corporation shall be and hereby are authorized to raise sufficient funds for the accomplishment of the objects aforesaid, and for that purpose they may, as soon they shall see fit, after the passing of this act, open books at some suitable place or places wherein subscriptions may be entered for shares in the capital stock of said corporation, each share to be of the amount of one hundred dollars, and each person so subscribing to be a member of said corporation, for all purposes; and as soon as one thousand shares have been subscribed, said corporation may be organized in manner following, to wit: the petitioners or any three of them may make application to any justice of the peace for the county of Worcester, requesting him to call a meeting of the proprietors to be holden at some convenient place within the said town of Worcester, whereupon such justice may issue his warrant to any one of said members, directing him to notify them to meet at such convenient time and place, in said Worcester, as he may therein appoint, to do and transact all such matters and things as may be expressed in said warrant; and the member to whom such warrant shall be directed, shall give notice to the other members by causing said warrant to be published in one or more of the newspapers printed in Worcester, and in one or more of the newspapers printed in Providence, in the state of Rhode Island; and the proprietors may, at the same meeting, or at a subsequent one, choose a clerk, treasurer, and such other officer or officers, committee or committees as they shall judge necessary for regulating the affairs of said corporation. And every member shall have a right to vote at said meeting, and at all other meetings by himself or proxy, duly authorized in writing, in the following ratio, one share one vote; and every two additional shares one vote; *provided*, no stockholder shall be entitled to more than ten votes.

Shares.

SECT. 11. *Be it further enacted*, That the said books of subscriptions shall remain open as long as said corporation shall see fit, but no assessment shall ever be made so as to make any subscriber liable to pay more than one hundred dollars for a share, nor shall the stock

and property of said corporation be liable to any species of taxation for eight years, from and after the passing of this act. If after the closing of said books, or at any time, it shall appear that sufficient funds have not been raised, the corporation, or its officers duly authorized, may at any time, and from time to time, raise the necessary funds by creating and selling new shares upon the best terms that can be obtained.

New Shares.

SECT. 12. *Be it further enacted*, That if any subscriber shall neglect to pay his subscription, or any portion thereof, for the space of thirty days after he is required so to do by a vote of the corporation, the corporation, or any officer duly authorized for that purpose, may make sale of such share or shares at public auction, to the highest bidder, and the same shall be transferred by the treasurer, in manner hereinafter provided to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall be sold for less than their nominal value, and shall be entitled to the overplus, if any there shall be, beyond the nominal value.

Shares may be sold after a delinquency of thirty days.

SECT. 13. *Be it further enacted*, That any share or shares of any member may be transferred by deed acknowledged and recorded by the clerk of said corporation in a book to be kept for that purpose, and the treasurer is hereby authorized to make transfer in like manner of the shares of members sold according to the provisions of the last preceding section of this act.

Transfer of Shares.

SECT. 14. *Be it further enacted*, That when the land or other property or estate belonging to infants, femmes covert, or persons non compos mentis, shall be taken and appropriated for the use and purposes of said canal as aforesaid; the husbands of such femmes covert, and the guardians of such infants or persons non compos mentis, respectively, may execute any deeds, enter into any contracts, or do any other matter or thing respecting such lands, or other estate, to be taken and appropriated as aforesaid, as they might do if the same were by them holden in their own rights respectively.

Minors property taken.

SECT. 15. *Provided, and be it further enacted*, That from and after the expiration of ten years from the passing of this act, if the corporation hereby created, shall not have completed the said canal, the legislature of this Commonwealth may, upon the application of any other company for the privileges hereby granted, incorporate such other company for the purpose of making said canal. [Jun. 14, 1823.] Add. acts, 1823 ch. 77: 1825 ch. 144: 1826 ch. 74.

Limitation of this act.

An Act to incorporate the Boston Cordage Manufactory.

Chap. 28.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Winslow Lewis, Joseph W. Lewis, Samuel Austin, Junior, David Henshaw, Ezra Hyde, George Brown, Henry Lewis and Joseph P. Bradlee, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Boston Cordage Manufactory, for the purpose of manufacturing cordage; and for that purpose shall have all the powers and privileges, and also be subject

Persons incorporated.

Powers and privileges.

1808 ch. 65.

to all the duties and requirements prescribed and contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing companies,” [“*corporations*”] and the several acts in addition thereto.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of eighty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cordage. [Jan. 14, 1823.]

Chap. 29.

[This act, so far as it relates to Sandwich, is repealed by st. 1825, ch. 2.]
Preamble.

An ACT to regulate the burning of Coal Pits, in the towns of Plymouth, Kingston, Carver, and Wareham, in the county of Plymouth, and Sandwich, in the county of Barnstable.

WHEREAS great damage has been sustained by the public, as well as by the proprietors of wood lands lying in the towns of Plymouth, Kingston, Carver, and Wareham, in the county of Plymouth, and in Sandwich, in the county of Barnstable, by the fires which have frequently spread, from the negligence of those who have been employed in burning wood for charcoal, or in burning brush wood for other purposes :

Time of charring coal.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no person or persons, shall hereafter be permitted to set fire to any coal pit, or to any pile of wood, for the purpose of charring the same, within the tract of wood land lying in the aforesaid towns, or either of them, between the first day of April, and the fifteenth day of September, annually.

Forfeitures.

SECT. 2. *Be it further enacted*, That if any person or persons, their agent or agents, shall set fire to any pit or pits, for burning coal, on any part of the tract of wood land above mentioned, lying in either of the towns aforesaid, between the said first day of April, and the fifteenth day of September, annually, such person or persons, so offending, shall forfeit and pay the sum of one hundred dollars for every such offence.

Penalty for firing brush wood.

SECT. 3. *Be it further enacted*, That if any person or persons, their agent or agents, shall, between the times aforesaid, set fire to any brush wood, or bushes, on any part or parcel of the aforesaid wood lands, or on any land adjoining thereunto, so as to cause the burning thereof, such person or persons, so offending, shall forfeit and pay the sum of fifty dollars for every such offence.

Recovery of fines.

SECT. 4. *Be it further enacted*, That all penalties incurred by the breach of this act, may be sued for and recovered in any court proper to try the same ; and one moiety of all the sums so recovered, shall be appropriated to the use of the town in which such pit or pits, brush wood, or bushes, were burned, or attempted to be burned, and the other moiety to the use of him or them, who shall prosecute therefor. [Jan 14, 1823.] Add. act relative to Sandwich, 1825 ch. 2. Add. act 1827 ch. 73.

An ACT in addition to an Act entitled "An Act to incorporate the Proprietors of Nahant Hotel, in the town of Lynn." *Chap. 30.*
1821 ch. 43.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the corporation known and called by the name of the Proprietors of Nahant Hotel, in Lynn, be, and the said corporation hereby is authorized and empowered to purchase and hold, twenty acres of land, at the place called Nahant, in the town of Lynn, in addition to the quantity of land which the said corporation is empowered to have and to hold, in virtue of the act to which this act is in addition, under the same limitations and restrictions, and with the like powers, as in the said act to which this act is in addition, are expressed, any thing in said act to the contrary notwithstanding. *Authorized to purchase land.*

SECT. 2. *Be it further enacted,* That the said corporation be, and the same hereby is authorized and empowered to divide its corporate property into any number of shares which said corporation may see fit; *provided,* that the whole number of shares shall not exceed, in their nominal amount of value, the sum of forty thousand dollars, that being the sum at which the real and personal estate of said corporation is limited by the aforesaid act. [*Jan. 14, 1823.*] *Shares.*

An Act to incorporate the Trustees of the Methodist Episcopal Church, in Nantucket.

Chap. 31.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Oliver C. Bartlett, John Jenkins, Perez Jenkins, Jonathan Smith, Solomon Folger, Walter Cure, Nathaniel Rand, Frederick Worth, and William Jenkins, all of Nantucket, in the county of Nantucket, be, and they hereby are constituted a body corporate and politic, by the name of the Trustees of the Methodist Episcopal Church, in Nantucket, for the promotion of piety religion, and morality; and they and their successors shall be and continue a body politic and corporate, by that name, forever; and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid. *Trustees.*

SECT. 2. *Be it further enacted,* That the aforesaid trustees and their successors shall and may, annually, elect a president, and a secretary to record the doings and transactions of the trustees, and a treasurer to receive and apply the monies or property, hereinafter mentioned, as hereinafter directed, and any other officers, that may be necessary for the managing of their business; and they may make rules, regulations, and by-laws, not repugnant to the laws of this Commonwealth. *General powers.*

SECT. 3. *Be it further enacted,* That the number of trustees, shall not, at any one time, be more than nine, nor less than seven; five of their number shall constitute a quorum for transacting business; and they may and shall, from time to time, fill up vacancies in their number, which may happen by death, resignation, or otherwise, as hereinafter provided. And such trustees shall, annually, hold a meeting in March or April, and at such other times as may *Election of officers.* *Number of trustees.* *Meetings.*

be necessary ; which meetings, after the first, shall be called in such way and manner as the trustees aforesaid shall hereafter direct.

May hold property of M. E. Church in Nantucket.

Vacancies to be filled up.

SECT. 4. *Be it further enacted*, That the aforesaid trustees and their successors, are hereby made capable in law to possess and hold all the property, both real and personal, belonging to the Methodist Episcopal Church, in Nantucket, in trust forever, for the use and benefit of the members, for the sole purpose of promoting the public worship of Almighty God, according to the doctrines and discipline of said church. And in further trust and confidence, that whenever one or more of said trustees shall die, or from any cause cease to be a member or members, of said corporation, then and in that case, the vacancy shall be supplied according to the direction given in the discipline of said church ; that is, the minister or preacher, who shall be regularly appointed to the pastoral charge of the members of said church, for the time being, shall have a right to nominate, and the trustees may confirm or reject such nomination.

Bequests.

Real and personal estate.

SECT. 5. *Be it further enacted*, That any gift, grant, bequest, or devise made, or that hereafter may be made, to the said trustees, or their successors, shall be valid and effectual to all intents and purposes whatever, and they are hereby empowered to hold real and personal estate, the annual income of which shall not exceed six hundred dollars : *provided*, that the entire income be strictly appropriated to promote the objects of this corporation, and also that the gift, grant or donation be faithfully applied according to the real intent and design of the donor.

Deeds.

SECT. 6. *Be it further enacted*, That all deeds and instruments, which the said trustees may lawfully make in their said capacity, shall, when made in their name, and signed and sealed with their common seal, and delivered by their treasurer, be binding on said trustees and their successors, and be valid in law.

First Meeting.

SECT. 7. *Be it further enacted*, That George Cannon, Esquire, be, and he is hereby authorized to appoint the time and place for holding the first meeting of said trustees, and to notify them thereof. [Jan. 16, 1823.]

Chap. 32.

An Act to establish a Fund for the support of the Gospel Ministry, in the First Parish, in the Town of Haverhill, in the County of Essex, and to appoint Trustees for the management thereof.

Persons incorporated.

General powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Bailey Bartlett, Israel Bartlett, Nehemiah Emerson, John Dow, and Stephen Minot, be, and hereby are constituted a body politic and corporate, by the name of the Trustees of the Haverhill Congregational Ministerial Fund ; and that they and their successors shall continue a body politic and corporate, forever, and by the same name may sue and be sued in all actions, and may prosecute the same to final judgment and execution.

Number of trustees.

SECT. 2. *Be it further enacted*, That said parish, at their annual meeting, in March or April, may choose five trustees, who shall be successors to those named in this act ; and they and their successors shall hold their offices until others shall be chosen and have accepted the trust, by entering upon the duties of their office ; and that said parish may also, at any legal meeting, holden for that

purpose, choose a trustee or trustees to supply any vacancy that may happen.

SECT. 3. *Be it further enacted*, That any gift, grant, bequest, or devise, which may hereafter be made to said Trustees, shall be valid and effectual to all intents and purposes whatever; and they, and their successors as aforesaid, are hereby empowered, by purchase or operation of law, to take, have, hold, use, improve, and manage any estate, real or personal, the annual income of which, shall not exceed the sum of two thousand dollars, in trust, for the support and maintenance of the gospel ministry in said congregational parish; and during any vacancy in said parish, of a regular, ordained, and settled minister, they shall appropriate such income or interest to the increase of their principal fund, any thing herein to the contrary notwithstanding.

Bequests.

Estate.

SECT. 4. *Be it further enacted*, That the said trustees may assemble and meet together as often as they may think it necessary, for the promotion of their trust, any three of whom shall constitute a board for doing business; but the concurrence of three, at least, shall be requisite to every act and proceeding whatever; they may determine the manner of calling meetings; they may appoint a clerk, an agent or agents, and other needful officers and committees; they may make reasonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; they may have a common seal, and change the same at their pleasure; they may alienate, by good and sufficient deeds at law, any of the parsonage land belonging to said parish, which said parish may, at a legal meeting, holden for that purpose, from time to time, direct, agreeably to a resolve of the general court, passed in June, in the year of our Lord one thousand eight hundred and nine; and they may also alienate, by good and sufficient deeds at law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law.

Board of trustees.

Officers and by-laws.

Alienation of parsonage lands.

SECT. 5. *Be it further enacted*, That the clerk of said corporation, who shall be a member thereof, and shall be sworn in the same manner as town officers are, to the faithful performance of the duties of their offices, shall have the care and custody of all papers and documents belonging to said trustees, and shall carefully and fairly record all their votes and proceedings in a book kept for that purpose, and shall certify the same when thereto required; and he may call meetings, when he may think the same necessary, or when thereto directed by said trustees, and do whatever else may be incident to said office; and he shall, on demand, deliver to his successor in office, as soon as may be, all the records, papers and documents in his hands, in good order and condition; and if he shall neglect so to do for thirty days next after such demand, he shall forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such neglect afterwards.

Clerk.

Penalties for neglect of duty.

SECT. 6. *Be it further enacted*, That the treasurer of said parish shall always be the treasurer of said trustees, and the receiver of all money, the effects due, owing and coming to them, and may demand, sue for, and recover the same in their name, unless prohibited by them; and he shall have the care and custody of all the

Treasurer.

money and effects, obligations and securities for the payment of money or other things, and all evidences of property belonging to said trustees, and be accountable to them therefor ; and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done ; and he shall deliver to his successor in office, as soon as may be, after demand, all the books and papers, property, and evidence of property in his hands, in good order and condition; and shall give bonds to said trustees and their successors, with sufficient sureties, to be approved by them, in the penal sum of ten thousand dollars at least, conditioned to do and perform all the duties incumbent on him as their treasurer ; and if he shall fail to deliver to his successor, as aforesaid, for the space of thirty days next after such demand, or to give bonds as aforesaid, for thirty days next after such treasurer shall be duly chosen, and have accepted the office, he shall, for either neglect, forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such failure or neglect afterwards.

Treasurer shall give bonds.

Penalties for neglect of duty.

Duties and liability of trustees.

SECT. 7. *Be it further enacted*, That it shall be the duty of said trustees, to use and improve such funds or estate as shall be vested in them, by virtue of this act, with care and vigilance, so as best to promote the design thereof ; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired, or suffer loss or diminution. And the inhabitants of said parish may have and maintain a special action on the case, against the proper persons of said trustees, and their goods and estate, jointly or severally, or against any two or more of them, for such negligence or misconduct, and recover adequate damages therefor ; and every sum so recovered shall be deemed to be for the benefit of said fund, and shall be paid to said treasurer, who may have an action of debt therefor accordingly.

Statement of the funds.

SECT. 8. *Be it further enacted*, That the said trustees shall cause to be recorded, and kept in their book of records, by their clerk, a statement of the funds and estate in their hands, wherein shall be particularly designated the nature and amount of each original grant or donation, the period when made, the design thereof, and the donor's or grantor's name, and place of abode, with such other circumstances as they shall think useful and proper, to distinguish the same, and perpetuate the remembrance thereof ; and they shall make report of such statement, to the inhabitants of said parish, at their meeting in March or April, annually, where the same shall be publicly read, or to a select committee, if said parish shall choose one for that purpose ; together with a specific statement of what estate they actually hold, and by what tenure, what money and effects are due to them, and how the same are secured, and what receipts have been obtained, and disbursements made by them the preceding year.

Loan of the fund.

SECT. 9. *Be it further enacted*, That the said trustees shall always loan, upon interest, all the money belonging to said fund, in sums not less than one hundred dollars, and for a term not exceed-

ing five years, upon the bond or note of the borrower, with a mortgage of real estate to three times the value of the sum loaned, as collateral security for the repayment of the principal sum, with interest annually, till paid.

SECT. 10. *Be it further enacted*, That it shall never be in the power of said trustees, or said congregational parish, to alienate any part of the capital fund thereof; but the interest or income, if the parish, at a legal meeting holden for that purpose, so direct, may be applied for the support of a regular, ordained, gospel minister, and for no other purpose whatever, until the interest or income of said fund shall amount to the sum of six hundred dollars per annum; after which time, the surplus income, over and above that sum, may be applied for other parochial purposes, if said parish, at a legal meeting holden for that purpose, so direct.

Capital fund not to be alienated.

Disposition of the income.

SECT. 11. *Be it further enacted*, That said trustees shall be entitled to receive a reasonable compensation for their services in managing and taking care of said funds and estate, to be paid by said congregational parish; but no part of said funds or estate, or of the income thereof, shall ever be appropriated for that purpose.

Compensation of trustees.

SECT. 12. *Be it further enacted* That all fines and forfeitures, incurred for any breach of this act, shall and may be recovered, in an action of debt, by the inhabitants of said parish, if they shall sue for the same within one year after the same shall be incurred, to the use and benefit of said fund.

Fines may be sued for.

SECT. 13. *Be it further enacted*, That Stephen Minot, Esquire, is hereby authorized and directed to appoint the time and place for holding the first meeting of said trustees, and to warn such meeting accordingly. [Jan. 16, 1823.]

First Meeting.

AN ACT to establish the First Baptist Society in Weston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Deacon Samuel Train, Deacon Uriah Gregory, Moses Harrington, Samuel Lovewell, Amasa Sanderson, Daniel Sanderson, Widow Lydia Upham, Abijah Upham, Lydia Upham, Silas Upham, Amos Lamson, Daniel Rand, James Lentell, Isaac Jones, Charles Morse, Widow Sarah Morse, Widow Sarah Leadbetter, Colonel Samuel Train, Otis Train, Abigail Childs, Betsey Childs, Hannah Childs, Joel Harrington, Paul Pratt, Widow Hepzibah Pratt, William Pratt, Joseph Winship, Joseph Winship, Junior, John Marsh, Betsey Bacon, Widow Keziah Hammond, Charles Damon, Elijah Travis, and Widow Nancy Bigelow, with their families and estates, be, and they are hereby incorporated as a distinct religious society, by the name of the First Baptist Society, in Weston, for religious purposes only; and as such, shall have and enjoy all the rights, powers and immunities of other parishes, or religious societies, according to the constitution and laws of this Commonwealth.

Chap. 33.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That any person belonging to the town of Weston, or to either of the towns adjoining said Weston, who may hereafter be desirous of joining in religious worship, and of becoming a member of said Baptist Society, shall have liberty so to

Conditions of
membership.
1811 ch. 6.

do, by complying with the requisitions of the second section of the act, passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and eleven, entitled "an act respecting public worship, and religious freedom."

Conditions of
secession.

SECT. 3. *Be it further enacted*, That whenever any member of said Baptist Society shall see cause to leave the same, and to unite with some other religious society, the like notice and process shall be made and given, *mutatis mutandis*, as is prescribed in the second section of this act: *provided, always*, that in every case of secession from one society, and joining to another, the person so seceding, shall be holden to pay his or her proportion of all parochial expenses, voted and not paid, prior to the leaving of said society.

First Meeting.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Middlesex, is hereby authorized to issue a warrant, directed to any member of said Baptist Society, requiring him to notify the first meeting of said society, to meet at such convenient time and place, as shall be expressed in said warrant, for the choice of such officers, as parishes, or religious societies, are accustomed to choose and appoint, at their annual meetings. [Jan. 17, 1823.]

Chap. 34.

1814 ch. 39.
1816 ch. 40.
1819 ch. 65.

AN ACT to authorize the Boston and Roxbury Mill Corporation to widen their Dam.

Dam may be
widened.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston and Roxbury Mill Corporation be, and they hereby are authorized to widen their dam, leading from Boston to Sewall's Point, so called, in Brookline, by extending it one hundred feet on the northerly side thereof, upon the flats and tide-waters, where it can be done without interfering with the rights of individuals, or other corporations, for the purpose of forming landing places, making wharves, erecting storehouses, and other necessary buildings: *provided*, that nothing herein contained, shall authorize the widening of said dam, in any part thereof, more than one hundred yards to the northward and eastward of the present easternmost sluiceway. [Jan. 17, 1823.] Add. act 1833 ch. 120.

Proviso.

Chap. 35.

1807 ch. 52.

AN ACT in addition to an Act, entitled "An Act to incorporate a Society, by the name of the Massachusetts Missionary Society."

Application of
funds.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Massachusetts Missionary Society be, and they hereby are authorized and empowered to appropriate and apply the funds which they are by law entitled to hold, or any part thereof, for the purpose of diffusing the knowledge of the gospel of Jesus Christ, among the heathen and others, in destitute places; any thing contained in the act of incorporation, to which this is in addition, to the contrary notwithstanding.

Corporation
continued.

SECT. 2. *Be it further enacted*, That this act, and the act to which it is in addition, and all and singular the powers, privileges, rights, and duties of said corporation, as the same are limited and defined in this and the aforesaid original act, shall continue and remain in full force and virtue, from and after the expiration of the term in said original act mentioned; any thing therein contained to the contrary notwithstanding: *provided nevertheless*, that it shall be

Proviso.

in the power of this, or any future Legislature of this Commonwealth, to alter, modify, or repeal any, or all of the provisions of this act, and of the aforesaid original act, or either of them, whenever it shall be deemed expedient so to do. [Jan. 21, 1823.]

An ACT to incorporate the Penitent Females' Refuge, in the City of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Horace Fox, Edmund Parsons, Abraham A. Dame, Thomas Vose, William Jenks, John C. Proctor, Pliny Cutler, John Tappan, Aaron P. Cleveland, Charles Tappan, Henry Holmes, George Odiorne, Heman Lincoln, Edmund A. Winchester, George J. Homer, Francis Wayland, Junior, Moses Grant and Alden Bradford, together with such others as may hereafter be associated with them, and their successors, be, and they hereby are incorporated by the name of the Penitent Females' Refuge, in the City of Boston; and by that name shall be a corporation forever, for the purpose of affording relief, assistance and protection to penitent females; with power to have a common seal, to receive and hold any sum or sums of money, from persons disposed to promote the intentions of said society; to make contracts relative to the objects thereof, to sue and be sued, to establish by-laws and orders for the regulation of said society, and the due preservation and application of its funds: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and to take and hold real and personal estate, not exceeding the sum of twenty thousand dollars.

Chap. 36.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That said corporation shall annually meet in Boston, at such time and place as they may from time to time appoint, for the purpose of electing, by ballot, such officers as they may think proper, who shall hold their respective offices for the term of one year, and until others shall be elected and qualified in their stead, with such powers and duties as may be prescribed by the by-laws of said corporation.

Election of officers.

SECT. 3. *Be it further enacted*, That any two of the persons above named be, and they hereby are authorized to call the first meeting of said corporation, by advertisement printed in any newspaper published in the city of Boston, at least seven days prior to the appointment of such meeting.

First meeting.

SECT. 4. *Be it further enacted*, That the present officers of said association shall continue to execute their several duties until an election of officers shall have taken place, agreeably to the provisions of said act: *provided, nevertheless*, that the Legislature may alter or repeal this act, whenever it shall be deemed expedient. [Jan. 21, 1823.]

Duty of officers.

An ACT to incorporate the Central Universalist Society, in the City of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Davis, Abraham A. Dame, Stillman Willis, Samuel Gray, Abner Joy, Aaron Cooley, Henry D. Gray, Jedediah Blanchard, Isaac Dupee, Jacob Todd, John Roulstone, Thomas Hudson, William Wright, Charles Holmes, Michael Roulstone, William

Chap. 37.

Persons incorporated.

B. Daniels, Joseph S. Rogers, Edward Russell, Stephen Parker, Amos Penniman, Nicholas Little, Calvin Haskell, Edward Prescott, David Vinal, Jonathan Loring, Levi Brigham, John Blanchard, Otis Briggs, Jonathan Livermore, John Ladd, James Fillebrown, Elijah Trask, Junior, Isaac K. Wise, Otis Claflen, Jonathan Jewit, Noah Harrington, Thomas Gaffield, Simeon Hawkes, Ebenezer Smith, John Muzzy, William Lawrence, John Hatch, James Page, Mordecai L. Wallis, Joseph Stuart, John Peirce, Theophilus Burr, Charles M. Domett, Isaac Davis, Benjamin M. Bramhall, Ezekiel Jones, Walter Cannel, Frederick W. Clapp, Charles Veazie, and Joshua Davis, and all others who may associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Central Universalist Society, in the city of Boston; with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are entitled by law.

Powers and
privileges.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estate, real or personal, for the use of said society: *provided*, the annual income thereof shall not exceed, at any time, the value of five thousand dollars.

First meeting.

SECT. 3. *Be it further enacted*, That any justice of the peace for the county of Suffolk be, and he hereby is authorized to issue his warrant to some member of said society, requiring him to warn the members thereof to meet at such convenient time and place, in said city of Boston, as shall be therein directed, to choose a moderator, a clerk, a treasurer, and such other officers, committee or committees, as they shall deem needful. [Jan. 21, 1823.]

Chap. 38.

An Act in addition to an act, entitled "An Act to regulate the Fishery in Taunton Great River."

1819 ch. 133.

Location of
privileges re-
stricted.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for the purchaser or purchasers of any privilege of catching shad or alewives of any of the towns situated on Taunton Great River, to locate the place or places on said river, for the purpose of catching said fish, or sweep, or use seines or nets for that purpose, within one hundred rods of the mill dam lately erected across said river by Samuel Crocker and others, near King's Bridge, so called, any thing in the act, entitled "an act to regulate the fishery in Taunton Great River," to which this is an addition, to the contrary notwithstanding.

Fish not to be
impeded.

SECT. 2. *Be it further enacted*, That it shall not be lawful for the said purchaser or purchasers, or any other person, to impede, interrupt, or turn the course of the fish within the distance of one hundred rods of the mill dam aforesaid, for the purpose of taking said fish without or beyond that distance.

Fines.

SECT. 3. *Be it further enacted*, That any person duly convicted of a breach of the second section of this act, shall forfeit and pay the sum of fifty dollars for each and every such offence, to be recovered and appropriated in the manner provided in the fourth section of the act to which this is in addition. [Jan. 21, 1823.] Add. act 1829 ch. 55: 1832 ch. 44: 120.

An Act authorizing Samuel Crocker and others to establish a Dam across Taunton Great River. *Chap. 39.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Crocker, Charles Richmond, Dolly Caswell, all of Taunton, and Horatio Leonard, of Raynham, together with their associates and assigns, be, and they hereby are authorized to build, have and maintain a dam across Taunton Great River, so called, on the land of the said Crocker and his associates, in the towns of Taunton and Raynham; said dam to be erected and maintained at some place not more than ten rods below King's Bridge, on said river, for the purpose of establishing and carrying on mills and manufactories: provided, however, that the said right to erect said dam shall be subject to all the restrictions, limitations and provisions, which are contained in an act, entitled "an act authorizing Stephen King and his associates to establish a dam across Taunton Great River, so called," passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and thirteen. [Jan. 21, 1823.]

Persons authorized to build a dam.

Location.

Restrictions.

1813 ch. 43.

An Act in addition to an act, entitled "An Act to establish the First Baptist Society, in Framingham." *Chap. 40.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any person belonging to the town of Framingham, or to either of the adjoining towns, who may hereafter wish to join in religious worship, and to become a member of the First Baptist Society in Framingham, shall have liberty so to do, by giving notice of such desire and intention, in writing, to the clerk of the society where such person has formerly attended on public worship, and also a copy of the said notice, in writing, to the clerk of the said Baptist Society, fifteen days at least previous to the annual meeting; and such person, from the date aforesaid, shall be considered a member of the said Baptist Society. [Jan. 22, 1823.]

1812 ch. 25.

Conditions of membership.

An Act to incorporate the Boston Gas Light Company.

Chap. 41.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Prescott, Alexander Parris, Bryant P. Tilden, Nathaniel Hale, John C. Gray, and all such persons as are, or shall be associated with them, and their successors, be, and they are hereby incorporated for the purpose of furnishing gas light in the city of Boston, by the name of the Boston Gas Light Company; and by that name may sue and prosecute, and be sued or prosecuted to final judgment and execution, and do and suffer all other matters and things which bodies politic may, and ought to do or suffer; and may have and use a common seal, and the same break and alter at their pleasure; and by their said corporate name, may purchase, take and hold real and personal estate, not exceeding in the whole value, seventy-five thousand dollars.*

Persons incorporated.

Powers and privileges.

Real and personal estate.

SECT. 2. *Be it further enacted, That the said corporation may elect so many directors and other officers, and divide their capital stock into such number of shares, and establish and put in execution such by-laws and regulations, as the members thereof may judge*

Directors, shares and by-laws.

necessary: *provided*, the same are not repugnant to the laws and constitution of this Commonwealth.

Right to sink
pipes.

SECT. 3. *Be it further enacted*, That the said corporation, with the consent of the mayor and aldermen of said city of Boston, shall have power and authority to open the ground in any part of the streets, lanes and highways, in said city, for the purpose of sinking and repairing such pipes and conductors as [it] may be necessary to sink for the purpose aforesaid. And that the said corporation, after opening the ground in the said streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said corporation, which may, in any manner, affect the health, safety or convenience of the inhabitants of said city.

Mayor and aldermen may restrict the corporation.

Assessments.

SECT. 4. *Be it further enacted*, That said corporation shall have full power, from time to time, to make and assess such assessments and taxes, as they shall deem necessary, on the shares in said corporation; and on neglect or refusal to pay the same, to sell such shares at vendue, for the payment thereof, after advertising the same in two of the newspapers published in Boston, for the space of twenty days previous to the sale, paying the overplus, if any there be, after the payment of such assessments and taxes, and of the charges of sale, to the owner of the share or shares so sold.

First meeting.

SECT. 5. *Be it further enacted*, That the said William Prescott, or Alexander Parris, be, and they are hereby empowered to call the first meeting of the said corporation, by a notification in one of the newspapers of Boston, aforesaid, fourteen days previous to such meeting; and the said corporation, at such meeting, shall agree upon the mode of calling future meetings. [Jan. 22, 1823.] Add. act, 1836 ch. 17.

Chap. 42.

AN ACT to establish the Baptist Religious Society, in Belchertown, in the County of Hampshire.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abram Weston, Asa Clark, Eleazer Owen, Roger Upham, Joseph Billing, Benjamin Burden, Samuel Leach, Giles Perkins, John Shaw, William Chamberlin, John Giddins, Smith Barret, Harvey Wright, Michael W. Hill, Jonathan Paine, Peter Daniels, Moses Hayden, Reuben Barton, Reuben Cleveland, Josiah Kenfield, Ebenezer Green, James Downing, Abram R. Murdock, Peter Leach, Orsamus Kenfield, Joel Kenfield, Celina Darling, Benjamin R. Darling, Enoch Thayer, John Nutting, Lucretia Nickerson, Joseph Howard, Moses Reckard, Jeremiah Weston, Simeon Clark, Samuel Perry, Elam Wright, Isaac Robinson, Elijah Clark, Russell Jenks, Samuel Kimball, Junior, James Snow, Nathan Rice, Enos Clark, Robert Fowler, Daniel Poole, Charles Barret, David Smith, Alpheus Plomly, Clark Weston, Jonathan Thayer, Junior, Rozil Thompson, Samuel Perkins, Richard Mason, Andrew Howard, Randall Stanton, Jonathan Thayer, Nathaniel Kellogg, Willis Arnold, Reuben Thayer, William Clark, together with their associates, their families, polls and estates, be, and they hereby are incorporated,

for religious purposes only, by the name of the Baptist Religious Society in Belchertown; with all the powers, privileges, and immunities of other parishes, or religious societies, agreeably to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That any person, who may hereafter wish to join in religious worship, and become a member of said Baptist Religious Society, in Belchertown, or any person, who may wish to leave the same, and unite with some other religious society, shall have liberty so to do, by complying with the formality prescribed in the second section of an act, passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and eleven, entitled "an act respecting public worship and religious freedom:" *provided, also*, that every person who may leave said society shall be holden to pay his or her proportion of all monies voted and not paid, prior to the leaving of said society.

SECT. 3. *Be it further enacted*, That any three of the persons named in this act, are hereby authorized to call the first meeting of said society, by posting a notification at their meeting-house in Belchertown, giving at least seven days notice of the time and place of such meeting, for the purpose of choosing the officers necessary to manage their prudential affairs, and of determining the mode of calling and notifying future meetings of said society. [Jan. 22, 1823.]

AN ACT to incorporate the Berkshire Medical Institution.

Chap. 43.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be established in the town of Pittsfield, in the county of Berkshire, a medical institution, and that Heman Humphrey, John P. Bachelder, Henry Hubbard, Samuel M. McKay, and Henry H. Childs, and their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Berkshire Medical Institution; with a corporate seal, which they may alter and change at their pleasure; and shall in law be capable of suing, and being sued, in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, in all courts and places whatsoever, and of holding real and personal property, and of filling and supplying all vacancies, which shall occur in said corporation; and may also have power to remove any member or trustee, who, by age, infirmity, or any other cause, is incapable of discharging the duties of his office, or who shall neglect or refuse to perform the same: *provided*, that the real estate, which said trustees shall be entitled to hold, shall not exceed the sum of fifty thousand dollars, and the personal estate shall not exceed the sum of fifty thousand dollars: *and provided, further*, that the number of trustees shall not exceed fifteen, nor be less than seven; and that five shall constitute a quorum to do business.

SECT. 2. *Be it further enacted*, That the said trustees, and their associates and successors in office, or a majority of them, shall have power to elect all such officers, and to make such by-laws, rules and regulations, for the proper management of said corporation, and for the good government of said institution, as they shall deem expedient

and proper ; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Lyceum of Natural History.

Degrees conferred.

SECT. 3. *Be it further enacted*, That the objects of this corporation shall be confined to the promotion of medical science, and the sciences immediately connected therewith ; and for this purpose the said trustees shall be authorized to establish a Lyceum of Natural History, with power to elect such and so many members thereof, as they may deem expedient and proper.

SECT. 4. *Be it further enacted*, that all medical degrees, conferred upon the students in said institution, shall be conferred by the president and trustees of Williams College, under the same rules and restrictions, as are adopted and recognized, in conferring degrees of the same nature, by the University at Cambridge. [Jan. 24, 1823.] Add. act, 1826 ch. 101.

Chap. 44.

An Act to establish the Taunton Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Crocker, John McLean, Charles Richmond, Israel Thorndike, Edmund Dwight, Israel Thorndike, Junior, Harrison Gray Otis, Junior, William Havard Eliot, and James W. Otis, together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Taunton Manufacturing Company, for the purpose of rolling copper and iron, and manufacturing nails, and other modifications of iron ; and also for the purpose of manufacturing cotton and wool in the town of Taunton, and county of Bristol ; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, passed in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and in the several acts passed in addition thereto.

General powers.

1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized of such real estate, not exceeding the value of two hundred thousand dollars, and such personal estate, not exceeding four hundred thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactures aforesaid. [Jan. 24, 1823.] Add. act, 1831 ch. 58.

Chap. 45.

An Act to establish the Bridge between the towns of Scituate and Cohasset, next above the Gulf Mill Dam, so called.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the bridge erected by the inhabitants and proprietors of Farm Neck, so called, between the towns of Scituate and Cohasset, next above the Gulf Mill Dam, so called, be, and hereby is authorized and established by law ; and shall continue so long as the aforesaid inhabitants and proprietors of Farm Neck shall keep the aforesaid bridge in repair, at their own expense ; *provided*, that the aforesaid inhabitants and proprietors shall construct a draw in said bridge, for the convenience of any vessels to pass through, when required so to do by the legislature. [Jan. 24, 1823.]

Draw to be constructed.

An ACT to incorporate the Columbian Charitable Society of Shipwrights and Caulkers, of Boston and Charlestown. *Chap. 46.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Whitman, Benjamin Turner, Seth Grammar, Samuel Holbrook, William Learned, together with their associates and successors, be, and they are hereby incorporated by the name of the Columbian Charitable Society of Shipwrights and Caulkers, of Boston and Charlestown; with power to have and use a common seal, and to make by-laws for the governing of the affairs of the said association, and the management and application of its funds; and also for promoting inventions and improvements in their art, by granting premiums; to assist mechanics with loans of money, and to relieve the distresses of unfortunate mechanics, and their families; and shall have and use all other privileges incident to, and usually given by acts of incorporation, to charitable societies. And the said association may hold real estate not exceeding in value two thousand dollars, and personal estate not exceeding five thousand dollars.

Persons incorporated.

Powers and privileges.

Premiums.

Loans.

Limitation of real and personal estate.

SECT. 2. *Be it further enacted,* That any two of the persons herein named, are hereby empowered to call the first meeting of the association, at such time and place as they may appoint, by giving personal notice, to each of their associates, to choose their officers; at which meeting the mode of calling future meetings shall be regulated and settled.

First meeting.

SECT. 3. *Be it further enacted,* That this act may be amended, revised, and repealed at the pleasure of the legislature. [*Jan. 24, 1823.*]

Legislative control.

An ACT to incorporate the First Congregational Society, in Windsor.

Chap. 47.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the inhabitants of the town of Windsor, with all the lands in said town, (except such inhabitants, and such lands, as do, by law, belong to some other parish or religious society, or are by law exempt from parish charges in said town of Windsor,) be, and they are hereby incorporated as a parish, by the name of the First Congregational Parish in Windsor; and are hereby vested with all the rights and privileges, and subject to all the duties of other parishes or religious societies, according to the constitution and laws of this Commonwealth: And the said first congregational parish in Windsor shall hold all its property in such manner as to secure to the use of the said first parish, all the real and personal estate now belonging to the town of Windsor, considered as a congregational parish; and so as that said first parish shall be taken and held as the lawful successor of said town of Windsor, so far as respects all parish concerns: *provided, however,* that nothing in this act shall take from the town of Windsor aforesaid, any rights or property, to which they are now legally entitled.

Powers and privileges.

May hold parish property.

Proviso.

SECT. 2. *Be it further enacted,* That the first meeting of the said parish shall be convened by warrant, to be issued by a justice of the peace for the county of Berkshire, upon application therefor, directed to a freehold inhabitant and member of said parish, directing him to notify and warn the members of said parish to meet at such

First meeting.

convenient time and place, as shall be appointed in the said warrant ; and the said parish, being thus assembled, may agree upon and settle the method of calling future meetings. [Jan. 25, 1823.]

Chap. 48.

An Act to incorporate the Boston and Springfield Manufacturing Company.

Persons incor-
porated.

[Name changed
1826 ch. 113.]

General powers
and require-
ments.

1808 ch. 65.

Limitation of
real and per-
sonal estate.

Shares.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Israel E. Trask, Jonathan Dwight, Junior, Edmund Dwight, Joseph Hall, Junior, Benjamin Day, James Brewer, Joseph Brown, John W. Dwight, Jonathan Dwight, the third, James S. Dwight, and Samuel Henshaw, their successors and assigns, are hereby incorporated, by the name of the Boston and Springfield Manufacturing Company, in the town of Springfield, and county of Hampden, for the purpose of manufacturing cotton and iron ; with all the powers and privileges, and subject to all the duties and requirements prescribed in an act, entitled “an act defining the general powers of manufacturing corporations,” passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said corporation may hold personal estate to the amount of four hundred thousand dollars, and real estate, not exceeding one hundred thousand dollars, to be divided into shares of one thousand dollars each. [Jan. 27, 1823.] Add. acts, 1825 ch. 46 : 1826 ch. 113.

Chap. 50.

An Act to incorporate the Salisbury Woollen Manufacturing Company.

Persons incor-
porated.

[Name changed
and powers en-
larged, 1825 ch.
131.]

Powers and
privileges.

1808 ch. 65.

Capital stock.

Real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George Jenkins, John Willis, Junior, Edward S. Rand, and James Horton, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Salisbury Woollen Manufacturing Company, for the purpose of manufacturing wool, at Salisbury and Amesbury, in the county of Essex ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the acts in addition thereto.

SECT. 2. *Be it further enacted,* That the capital stock shall not exceed the sum of one hundred thousand dollars, and they may, in addition to the sum aforesaid, be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of seventy-five thousand dollars, including the buildings and improvements that may be made thereon, by the said corporation. [Jan. 30, 1823.] Add. act, 1825 ch. 131.

Chap. 52.

An Act to authorize the Mayor and Aldermen of the city of Boston, to increase the number of Engine Men, in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever the firewards of the city of Boston, shall represent in writing to the mayor and aldermen of said city, that an increase of the number of men, now by law authorized to be appointed, to any

particular engine, within said city, may be required, in consequence of suction-hose, or any increased power of such engine, or the additional apparatus thereto, for the more speedy and effectual extinguishment of fire, within said city, it shall be lawful for the said mayor and aldermen to nominate and appoint such additional number of men, not exceeding ten in any one case, to the number now by law authorized to be appointed; who shall be held to perform all the duties, and enjoy all the privileges and exemptions, other engine men are entitled to, by the several laws now in force. [Jan. 30, 1823.]

Mayor and aldermen may appoint additional number of engine men.

An ACT to incorporate the Proprietors of the Brighton School Fund.

Chap. 53.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Gorham Parsons, Nathaniel Champney, and Francis Winship, all of Brighton, in the county of Middlesex, together with their associates, being the proprietors of a school fund, in the said town, and such other persons as shall hereafter become members of said association, according to the rules and conditions which shall be established by the by-laws and regulations of the corporation herein-after created, be, and they hereby are made a body politic and corporate, by the name of the Proprietors of the Brighton School Fund; and by that name shall sue and be sued, plead and be impleaded, defend and be defended, in any court of law or elsewhere, in all manner of actions whatsoever; and in their corporate capacity, they and their successors shall be capable to purchase, hold and enjoy, in fee simple, or otherwise, lands, rents, and hereditaments; and likewise to take and hold, by donation, bequest, subscription, or otherwise, any kind of personal property, and the same to give, grant, sell and dispose of at their pleasure, so that all the estate aforesaid, and the income and proceeds thereof, shall, at all times, be appropriated solely to the purpose of maintaining and supporting a school, or schools, in said town of Brighton: *provided*, that the whole of said real and personal estate shall never exceed, in value, the sum of thirty thousand dollars; and the said corporation shall have power to have and use a common seal, and the same to alter, change or renew at pleasure.

Persons incorporated.

Powers and privileges.

Donations.

Limitation of estate.

SECT. 2. *Be it further enacted*, That the said corporation shall have power to determine the place and times of their meetings, and the manner of notifying and calling the same, and to elect once in every year, or oftener, from amongst the said proprietors, such officer or officers, as they may think expedient, and to establish any by-laws for the due and proper management of the affairs of said corporation, and the same, at pleasure, to alter or repeal; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Election of officers, and by-laws.

SECT. 3. *Be it further enacted*, That either of the persons named in this act may call the first meeting of said corporation, by posting up a notification at the meeting house in said Brighton, as heretofore practised by said proprietors, seven days at least, before the day of such meeting; at which meeting, the said proprietors may

First meeting.

proceed to execute any of the powers vested in them by this act. [Jan. 30, 1823.]

Chap. 54. An ACT to prevent the destruction of the Fish called Pickerel or Pike, in the Ponds in the towns of Braintree, Canton and Randolph, in the county of Norfolk.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of March next, it shall not be lawful for any person or persons to take any fish, called pickerel or pike, in any of the ponds called the Great Pond, in the towns of Braintree and Randolph, and the Little Pond in the town of Braintree, and the pond called Ponkapoag, in the towns of Canton and Randolph, from the first day of December, to the first day of April, in each and every year; and every person offending contrary to the true intention and meaning of this act, upon conviction thereof before any justice of the peace within the county of Norfolk, shall pay a fine of fifty cents for each and every pickerel, or pike, so taken, to and for the use of the person who shall sue for the same, together with all legal costs of prosecution: *provided nevertheless*, that either of the towns of Braintree, Canton or Randolph, may, at their annual meetings in the month of March or April, suspend the aforesaid act, so far as respects the ponds in their respective towns, for the term of one year.

Fishing interdicted.

Fines.

Towns may suspend this act.

Prosecutions limited.

SECT. 2. *Be it further enacted,* That all prosecutions for any violations of the provisions of this act shall be instituted within thirty days from the time of committing the same. [Jan. 31, 1823.]

Chap. 55. An ACT to incorporate the President, Directors and Company of the Exchange Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William P. Richardson, Charles Saunders, George Cleveland, Gideon Tucker, John H. Andrews, William Silsbee, William Fetyplace, and Stephen White, and their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Exchange Bank, and shall so continue until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled "an act to incorporate the President, Directors and Company of the Merchants' Bank," a bank established and kept in the town of Salem, except as the same are so far modified, or altered, by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted.

Persons incorporated.

Powers.

1811 ch. 82. and
1811 ch. 86.

Capital stock.

[* Increased by
st. 1823 ch. 8,
reduced by st.
1829 ch. 82.]

Payment of instalments.

SECT. 2 *Be it further enacted,* That the capital stock* of the said corporation shall consist of the sum of two hundred thousand dollars, divided into shares of one hundred dollars each, twenty five per centum of which shall be paid, in gold and silver, in ninety days after the first meeting of the said corporation, and the residue in three instalments of fifty thousand dollars each, the first in six months, the second in nine months, and the third in one year after said first meeting, or at such earlier time, or times, as the stockholders may direct

at said meeting ; and no dividend shall be made or declared on the capital stock of said bank, until the sum of two hundred thousand dollars shall have been paid in, according to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the said stock, and the profits thereof, which being entered in the books of the said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of twenty thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and loan and negotiate their monies and effects by discounting, on banking principles, on such security as they shall think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate on mortgage, or execution, to any amount, as security for, or in payment of any debts due to the said corporation ; *and provided further*, that no monies shall be loaned, or discounts made, nor shall any bills, or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing, in gold and silver, in their vaults, shall amount to fifty thousand dollars, nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in the vaults, and to ascertain, by the oath of the directors, or a majority of them, that said capital stock has been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended to remain therein as part of said capital, and to return a certificate thereof to the governor. And no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock as herein before provided and required.

Condition of dividends.

Transfers.

Limitation of real estate

Proviso.

Capital necessary to issue notes.

Vaults to be examined by commissioners.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Salem. Location.

SECT. 4. *Be it further enacted*, That whenever the legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the capital stock then paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, not exceeding five per centum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in. State may demand loans.

Proviso.

SECT. 5. *Be it further enacted*, That William P. Richardson, George Cleveland, and Stephen White, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, at such time and place as they may see fit to appoint, by advertising the same in the Salem Gazette and Essex Register, First meeting for choice of officers and making by-laws.

printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of the said corporation, as the stockholders shall deem necessary, and for the choice of a board of directors, to consist of nine persons, and such other officers as they shall see fit to choose.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the legislature shall make provision therefor, by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half part of the stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, as to the management thereof, as shall be by the legislature made and established.

SECT. 7. *Be it further enacted*, That the capital stock of said bank shall not be sold, or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act. And in case the same shall not be put in operation, according to the provisions thereof, within the year aforesaid, it shall be void. [Jan. 31, 1823.] Add. act, 1823, ch. 8: 1829 ch. 82.

Chap. 56.

An ACT concerning the House of Industry in the city of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the city council of the city of Boston shall choose annually, in the month of May, by ballot, nine discreet and suitable citizens to be directors of the house of industry, in said city.

SECT. 2. *Be it further enacted*, That the said directors shall have and exercise the like authority and power, in using, regulating and governing said house of industry, as are had and exercised by overseers of the poor within this Commonwealth, and may send such persons to said house, and for such purposes, as overseers of the poor are by law authorized to do.

SECT. 3. *Be it further enacted*, That the justices of the police court in the city of Boston, in the county of Suffolk, shall have and exercise the like authority and power, in ordering commitments to said house of industry, as are now vested in justices of the peace, as to commitments to houses of correction, according to the provisions of an act, entitled "an act for suppressing and punishing of rogues, vagabonds, common beggars, and other idle, disorderly and lewd persons," passed on the twenty-sixth day of March, one thousand seven hundred and eighty-eight.

SECT. 4. *Be it further enacted*, That the said directors shall, in the month of April, in every year, make report, in writing, to the city council, of the persons who shall have been resident in said house of industry, during the next preceding twelve months, and of the manner in which such persons shall have been employed during their residence therein; and the said directors shall also render to the city council, in the month of April, annually, an account of all monies received and paid on account of the said house.

SECT. 5. *Be it further enacted*, That all rules and orders for the governing and managing said house of industry, shall, within two months after the same shall have been made, be submitted to the

city council ; and such rules and orders shall be in force until repealed or altered by said directors, or until disapproved of by vote of the said city council.

SECT. 6. *Be it further enacted*, That no rules or orders shall be established for the governing and managing said house of industry by the directors thereof, unless at a meeting at which five or more of the said directors are present. Same subject.

SECT. 7. *Be it further enacted*, That the city council of the city of Boston be, and the same hereby is authorized and empowered, as soon after the passing of this act as they may see fit, to choose nine directors of said house of industry, to continue in office until the election of directors, which may be made, pursuant to this act, in the month of May, in the year one thousand eight hundred and twenty-four, any thing in this act to the contrary notwithstanding. City Council to choose first directors.
[Feb. 3, 1823.] Add. act, 1826 ch. 111: 1833 ch. 126.

An Act to incorporate the Members of the Protestant Episcopal Society of St. Luke's Church, in the town of Lanesborough.

Chap. 57.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Laban Lasell and Nehemiah Talcott, church wardens, and Ephraim Bradley, Peter B. Curtis and Sheldon C. Curtis, vestrymen, of the Episcopal Church of St. Luke, in the town of Lanesborough, together with such others as have or may hereafter join said parish or society, and their successors, together with their polls and estates, be, and they hereby are incorporated into a society, or body politic, by the name of the Protestant Episcopal Parish of St. Luke's Church, in Lanesborough ; and the said parish are hereby invested with full power and authority to assess and collect of the members belonging to said parish, from time to time, such monies as are, or may be necessary for maintaining the public worship of God therein, and for maintaining an instructor of piety, religion and morality, and for erecting and keeping in repair a house for public worship, when they may judge the same necessary ; and the said Episcopal Parish are hereby vested with all the powers, privileges and immunities of other religious societies, according to the constitution and laws of the Commonwealth. Persons incorporated.

SECT. 2. *Be it further enacted*, That when any person or persons belonging to Lanesborough, or the towns adjoining, may hereafter wish to become members of the said Episcopal Parish in Lanesborough, they shall have a right so to do, by complying with the requisitions contained in the second section of an act, entitled "an act respecting public worship and religious freedom," passed the eighteenth day of June, in the year of our Lord one thousand eight hundred and eleven. And every person, who shall thus become a member of the said Episcopal Parish in Lanesborough, shall be exempt from taxation, for religious purposes, in every other corporation whatsoever, so long as he shall continue a member of the said Episcopal Parish in Lanesborough. Powers and privileges.
Conditions of membership.
1811 ch. 6.

SECT. 3. *Be it further enacted*, That the said Protestant Episcopal Parish be and they hereby are empowered to raise and establish a fund, in such way and manner as they may see fit, the annual Exemption.
May raise a fund.

Appropriation
of fund.

Wardens may
sue for debts.

income or interest of which shall not exceed the sum of two thousand dollars ; the said income or interest, or so much thereof as shall be necessary, to be appropriated to the support of a Protestant Episcopal priest, or priests, in said parish. And the wardens and vestry-men of the said parish, for the time being, shall be the trustees of the said fund belonging to said parish, and shall have the care and management thereof, together with all other property, subject to the control and direction of the said parish ; and shall have power to sue for, and recover and collect, any monies which may be due and owing to said parish.

First meeting.

SECT. 4. *Be it further enacted*, 'That the first meeting of said parish shall be convened, by a warrant, to be issued by any justice of the peace for the county of Berkshire, directed to one of the wardens or vestry-men of said parish, requiring him to notify and warn the members of the said St. Luke's Parish, to meet at such convenient time and place, as shall be appointed in the said warrant ; and the members of the said parish, being so met, and duly organized, may agree upon and fix the way and manner of calling future meetings. [Feb. 3, 1823.]

Chap. 58.

An ACT to prevent the destruction of Fish in the Hoosick River, within the towns of Williamstown and Adams.

Fishing with
nets prohibited.

Fine.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, 'That from and after the first day of May next, it shall not be lawful to take or catch any fish, with nets or seines, in the Hoosick River, within the towns of Williamstown and Adams ; and every person so offending, contrary to the true intent and meaning of this act, upon conviction thereof, before any court of competent jurisdiction, shall pay a fine of two dollars, one half to the complainant, and the other half to the town in which such offence is committed.

Act may be
suspended.

SECT. 2. *Be it further enacted*, That the inhabitants of the aforesaid towns of Williamstown and Adams, may, at their annual March or April meeting, by a concurrent vote, suspend the operation of the prohibitions and restrictions contained in this act, for such term of time, not exceeding one year, as to them shall seem expedient : *provided, however*, that the foregoing act shall not be so suspended within two years from the passing of the same. [Feb. 3, 1823.]

Chap. 59.

An ACT to incorporate the Hampshire and Hampden Canal Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, 'That Samuel Hinckley, Ebenezer Hunt, Ferdinand H. Wright, Isaac Damon, Eliphalet Williams, Samuel Fowler, Elijah Bates, William Atwater, Enos Foote, John Mills, and Heman Laffin, their associates and successors, be, and they are hereby constituted and made a body politic and corporate, and shall be and remain a corporation forever, under the name of the Hampshire and Hampden Canal Company ; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and may have a common seal, and the same may break, alter and renew at

pleasure; and shall be, and hereby are vested with all the powers and privileges, which are by law incident to corporations of a similar nature, and which are necessary to carry into effect the objects of the association. Powers and privileges.

SECT. 2. *Be it further enacted*, That the said corporation may, and the same is hereby authorized to locate, construct, and fully complete a navigable canal, with locks, tow-paths, basins, wharves, dams, embankments, toll houses, and other necessary appendages, cominencing at Connecticut River, in Northampton, in the county of Hampshire, and thence, passing through the towns of Easthampton and Southampton, in the county of Hampshire, and Westfield and Southwick, in the county of Hampden, in such course, or courses, as may be deemed most convenient for said company, to the boundary line between Massachusetts and Connecticut; with power to employ and use, as reservoirs, or feeders, for the purpose of supplying with water said canal, or such works as may have any portion of their water diverted from them to supply said canal, the different ponds, rivers, and streams of water, near or over which the said canal may pass, and also to save the flood, and other waters of the ponds, rivers and streams, so used as aforesaid, and to construct artificial reservoirs for the purposes aforesaid. And the said corporation shall have power to connect with said canal, by feeders, or by navigable canals, any or all of said ponds, rivers, streams, and reservoirs: *provided, however*, that all damages which may be occasioned to any person, or persons, by any of said canals, reservoirs, or feeders, or in the construction thereof, shall be satisfied by said corporation, in manner hereinafter provided. Location of canal.

SECT. 3. *Be it further enacted*, That if at any time after said canal or any of its branches or feeders, are located, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said corporation shall have power to deviate from the course marked out, so far, and in such manner, as may be best calculated to surmount, overcome, or avoid such obstacles, or inconveniences, said corporation satisfying all damages which may be occasioned thereby, in the manner hereinafter provided; and said corporation may, from time to time, make such alterations in the course of said canal, its branches, and feeders, as may be necessary or expedient, satisfying all damages in manner aforesaid. Boundaries.

SECT. 4. *Be it further enacted*, That the said corporation be, and is hereby authorized and empowered to purchase and hold, to them and their successors, forever, real estate, not exceeding in value, the sum of three hundred thousand dollars, and may erect mills, and other works, on the waters connected with said canals, feeders, and reservoirs: *provided, however*, that when, by reason of the construction of said canal in any of the towns before mentioned, there shall be no grist mill remaining therein, said corporation shall not be authorized to construct any other mills, or works, to be carried by water, in such town, or towns, respectively, until provision shall have been made for a grist mill therein, for the convenience and accommodation of the inhabitants of the same. May use ponds for feeders.

SECT. 5. *Be it further enacted*, That a toll be, and hereby is Proviso.

May deviate from original route.

May hold real estate, and erect mills.

Proviso.

Tolls.

granted and established, for the sole benefit of said corporation, forever, viz : for every ton, (computing by weight or admeasurement, at the election of said corporation,) that shall be transported upon said canal, or any of its branches, after the rate of not less than six cents, nor more than ten cents, per mile, the precise rate of toll claimable by said corporation, to be determined by the Court of Sessions for said county of Hampshire, after a full consideration of the probable expense of said canal, and the probable extent of its business, and upon application to said court for that purpose by the corporation, at any time prior to the completion of the whole or any part thereof; and all boats, or other vessels, navigating said canal, or any of its branches, whether empty, or loaded in part only, shall be subject to pay the same toll for every ton burthen they are capable of carrying; and the right to take toll shall commence as soon as said canal, or its branches, or any part thereof, shall be completed.

By-laws and regulations.

SECT. 6. *Be it further enacted*, That the said corporation shall have power, from time to time, to make and ordain such by-laws, rules and regulations, as may be necessary, touching the premises; especially to fix upon and determine the size and form of boats, rafts, and all other vessels, that shall be used for the purpose of navigating said canal; to determine the times and manner of their passing the locks, and what commodities shall not be transported during a want of water, should such an event happen on any portion of said canal: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth. And the penalties provided by said by-laws, rules, and regulations, may be sued for and recovered by the treasurer of said corporation, or any other person thereunto by said corporation authorized, to their use and benefit, before any justice of the peace, or any court proper to try the same, which penalties shall in no case exceed the sum of ten dollars. And said corporation shall cause all such by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous situation at each toll house. And if any person, or persons, shall wantonly or maliciously mar, deface, or pull down any copy so set up, said corporation may sue for and recover, to their own use, a sum not exceeding five dollars, of any such person, or persons.

Penalties.

Trespassers liable to treble damages—

SECT. 7. *Be it further enacted*, That if any person, or persons, shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the water, or navigation, remove, or in any way spoil, injure, or destroy said canal, or its branches, feeders, or reservoirs, or any part thereof, or any thing belonging thereto, or any material to be used in the construction thereof, he, she, or they, (or any person, or persons, assisting, aiding, or abetting in such trespass,) shall forfeit and pay to said corporation, for every such offence, treble such damages, as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for and recovered before any justice, or in any court proper to try the same, by the treasurer of said corporation, or other officer whom they may direct, to the use of said corporation. And such offender, or offenders, for any offence, or offences, contrary to the above provisions of this act, shall be liable to indictment by the grand inquest of the county, wherein the offence

was committed, and on conviction thereof, either in the supreme judicial court, or any court of common pleas, to be holden in said county, shall pay a fine, not exceeding five hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the court, before which the conviction may be had.

—and may be indicted.

SECT. 8. *Be it further enacted*, That whenever said corporation shall have located said canal, or any part thereof, or the feeders or branches thereto, or any of them, they may make a report thereof to any court of sessions within and for the said county of Hampshire, at any regular or adjourned term thereof, wherein they shall particularly describe the bearings of the intended route, or any section thereof, its width, including tow paths, embankments, basins, wharves, excavations, the reservoirs intended to be constructed or used, and the names of the owners of the lands, so far as the same can be ascertained; which said report, so made, of the whole, or any section of said canal, or of any one or more of the feeders, branches, or reservoirs, shall be placed on the files of said court, and notice be given thereof to the owners of the land embraced therein, if known, in such manner as the said court shall direct, at the expense of said corporation. And the said court shall thereupon appoint three disinterested and discreet freeholders of the said counties of Hampshire or Hampden, one of whom shall be an inhabitant of Hampshire, and one of Hampden, (vacancies, if any happen, to be filled by said court,) to estimate all damages, which any person, or persons, whose lands are described or mentioned in such report, will sustain, provided such canal, or any branch, or feeder thereof, or basin, wharf, or other appendage, or appurtenant, be constructed thereon. And the said commissioners, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof, and shall give public and seasonable notice, in such manner as said court shall direct, to all persons interested, to file their claims (if any they have, which have not been released to said corporation,) with some one of said commissioners, or with the clerk of the courts for the said county of Hampshire, within thirty days from the date of said notice. At the end of the term allowed for filing such claims for damages, the commissioners, or a majority of them, having previously given notice to all parties interested, of the time, and of the extent of the route to be examined, by publishing in one or more of the newspapers printed at Springfield, in the county of Hampden, and in one newspaper printed in said Northampton, an advertisement thereof, in three successive papers at least, shall pass over the premises so intended to be used by said corporation for the purposes aforesaid; and after hearing the parties in interest, or such of them as desire to be heard, shall, according to their best skill and judgment, estimate all such damages, as they shall think any person, or persons, corporation, or corporations, will sustain by the opening of such canal, or any of its branches, or feeders, through his, her, or their land, or by the construction of any reservoirs, embankments, tow paths, basins, wharves, or other appendages, or by the diversion of the water from any of the ponds, rivers or streams herein before mentioned, over and above the benefit and advantages which said commissioners shall

Report of location shall be made to court of sessions.

Commissioners to be appointed to estimate damages, and sworn.

Claims to be filed.

Notice published.

Rule in assessing damages.

Commissioners
to make return
to court of ses-
sions.

Juries may be
called to settle
damages.

Damages to be
paid within
ninety days.

Action of debt.

[*Property of
individuals ex-
empted.
1825 ch. 11.]

Report and ver-
dict to be final.

adjudge may accrue to such person, or persons, corporation, or corporations, from opening said canal; and the said commissioners, or a major part of them, shall make return of their doings, as soon as may be, to said court of sessions, to the end that the same may be accepted, allowed, and recorded. And the said court shall thereupon order the said report, or the substance thereof, to be forthwith published in one or more of the newspapers printed in said Springfield, and in one newspaper printed in said Northampton, three weeks successively, at the expense of the corporation. And if the corporation, or any person or persons interested, shall be dissatisfied with the estimate of said commissioners, application may be made by such dissatisfied party to the court of sessions within and for the county, in which the damage complained of has been sustained, at the term thereof next after the return and acceptance of such report and its publication as aforesaid, for a jury to hear and finally determine upon the amount of damages to be assessed in the case complained of; which said jury shall be summoned by the sheriff, under the direction of the court, in manner prescribed by law in case of complaints for damages occasioned by the laying out of highways; and they shall be under oath, according to the provisions of the law in such cases. And if the party injured in his, her or their estate, apply for such jury, and fail to obtain increased damages, such party shall be liable for all legal costs arising after the entering of such application for a jury; and said court shall enter judgment and issue execution accordingly. And if said corporation apply for a jury, and fail to obtain a diminution of damages, it shall in like manner, be liable for costs; and said court may enter judgment and issue execution for such costs. And if within ninety days after the said corporation shall have entered upon the land of any person, or persons, and commenced the process of excavation, or embankment, for the purpose of constructing said canal, or any of its branches, feeders, or reservoirs, it shall not pay, or cause to be paid, the damages, if any, so assessed in manner aforesaid, by such commissioners, or such jury, or awarded by referees, mutually agreed on by the parties, as hereinafter provided, as well such person, or persons, on whose land operations are so commenced, as others whose water privileges shall be thereby injured, may have an action of debt against said corporation, in any court proper to try the same, to recover such damages. And execution, from whatever court the same may issue, for damages assessed as aforesaid, or costs, shall be in common form, *mutatis mutandis*, and may be levied upon the goods, estate, and lands of said corporation, or any member thereof; * and in case it issue from the court of sessions aforesaid, for costs as aforesaid, it shall be made returnable at the term of said court then next ensuing. And the report of said commissioners, when accepted and recorded, and not appealed from in manner aforesaid, or the verdict of a jury, being returned and recorded, shall forever be a bar to any action commenced for damages against said corporation, on account of the injury for which such damages were awarded, other than as is herein provided, saving only, that when yearly damages are assessed, the party in whose favor they are assessed, or ascertained, by a jury, shall have his action of debt to recover the same when payable, during the continuance thereof:

and provided always, that wherever the water privileges of any person, or persons, are such, that the commissioners shall not be able before the canal is actually opened, to determine, with reasonable certainty, the damages which the opening of the canal will occasion, and the party injured may request it, the said commissioners shall assess the damages which such persons will sustain during a limited period, at the expiration of which time a new application may be made by such person, or persons, to the court of sessions for the county of Hampshire, and a new assessment of damages shall be thereupon made, in the manner herein before provided. And any person, or persons, whose water privileges shall be injuriously affected by the construction of said canal, and who shall not have exhibited his or their claims for damages, at the time herein before provided for the exhibition of claims for damages, may, nevertheless, at any subsequent period, make application to the court of sessions for the county of Hampshire, and thereupon the said commissioners shall proceed to assess the damages sustained by such person, or persons, in manner aforesaid.

SECT. 9. *Be it further enacted*, That said corporation shall build, and keep in good repair, suitable and convenient bridges over said canal, in all places where said canal shall pass any existing public highway, or road, or any new one which may be hereafter laid out for public use, and such other bridges over said canal, for the accommodation of such persons as may own lands on both sides of the canal, at such place and places, and of such dimensions, as the court of sessions for the respective counties may, on application of the parties interested, order and direct.

Bridges to be built and kept in repair.

SECT. 10. *Be it further enacted*, That if after said canal shall be located, and a report of commissioners be made thereon, in manner aforesaid, any alteration shall be made in the course thereof, or in the course of any of its feeders, or branches, or if any new reservoirs, branches or feeders, shall be made in aid of said canal, the damages may be estimated in the same way, and the same proceedings had, in manner provided in this act: *Provided, however*, that in all cases it shall be competent for said corporation, and any person or persons, corporation or corporations, injured by the location of said canal, or any of its tributaries, or appendages, to submit the question of damages to such referees, as they may agree upon, whose award, when returned to the court of sessions, within and for the county wherein the damage has been sustained and accepted, shall be final; and said court may enter judgment accordingly. And said commissioners shall be allowed three dollars a day for their services, to be paid by the said corporation.

Estimate of damages when alterations are made.

Referees.

Compensation of commissioners.

SECT. 11. *Be it further enacted*, That the said corporation shall be, and is hereby authorized to raise sufficient funds for the accomplishment of the objects aforesaid; and for that purpose it may, as soon as it shall see fit, after the passing of this act, open books at some suitable place, or places, wherein subscriptions may be entered for shares in the capital stock of said corporation, each share to be of the amount of one hundred dollars, and each subscriber to be a member of the corporation for all purposes; and as soon as one thousand shares shall have been subscribed, said corporation may be

Capital stock.

organized in manner following, to wit :—The petitioners, or any three of them, may make application to any justice of the peace for the county of Hampshire or Hampden, requesting him to call a meeting of the proprietors, to be holden at some convenient place within either of the aforesaid counties ; whereupon such justice may issue his warrant to any one of said applicants, directing him to notify the proprietors to meet at such time and place in either of said counties, as the said justice may therein appoint, to do and transact all such matters and things, as may be expressed in such warrant ; and the individual to whom such warrant shall be directed, shall give notice of such meeting, by causing the said warrant to be published in one or more of the newspapers in each of said counties of Hampshire and Hampden, and also in one or more of the newspapers printed in New Haven, in the state of Connecticut ; and the proprietors may at the same meeting, or at a subsequent one, choose a clerk, treasurer, and such other officer, or officers, committee, or committees, as they shall judge necessary for regulating the affairs of said corporation ; and every member shall have a right to vote at said meeting, and at all other meetings, by himself or proxy, duly authorized in writing, in the following ratio : one share, one vote, and every two additional shares, one vote.

First meeting.

Officers to be chosen.

Right of voting.
[Each share entitled to a vote.
1825 ch. 11.]

Books of subscription.

Stock not to be taxed for eight years.

Shares of delinquents may be sold.

Shares transferable.

SECT. 12. *Be it further enacted*, That the books of subscription shall remain open as long as said corporation shall see fit ; but no assessments shall ever be made so as to render any subscriber liable to pay more than one hundred dollars for a share, nor shall the stock or property of said corporation be liable to any species of taxation for the term of eight years from and after the passing of this act. If after the closing of said books, or at any time, it shall appear, that sufficient funds have not been raised, the corporation, or its officers, duly authorized, may, at any time, and from time to time, raise the necessary funds, by creating and selling new shares upon the best terms that can be obtained.

SECT. 13. *Be it further enacted*, That if any subscriber shall neglect to pay his subscription, or any portion thereof, for the space of thirty days after he is required so to do, by a vote of the corporation, the corporation, or any officer duly authorized for that purpose, may make sale of such share, or shares, at public auction, to the highest bidder, and the same shall be transferred by the treasurer, in manner hereinafter provided, to the purchaser ; and such delinquent subscriber shall be held accountable to the corporation for the balance of his share, if his share, or shares, shall so be sold for less than their nominal value, and shall be entitled to the surplus, if any there shall be, beyond the nominal value.

SECT. 14. *Be it further enacted*, That any share, or shares, of any member may be transferred by deed acknowledged and recorded by the clerk of said corporation, in a book to be kept for that purpose : and the treasurer is hereby authorized to make transfers, in like manner, of the shares of members sold according to the provisions of the last preceding section of this act.

SECT. 15. *Be it further enacted*, That when the land, or other property or estate, belonging to infants, females covert, or persons non compos mentis, shall be taken and appropriated for the use and

purposes of said canal as aforesaid, the husbands of such femmes covert, and the guardians of such infants or persons non compos mentis, respectively, may execute any deeds, enter into any contracts, or do any other matter or thing respecting such lands, or other estate, to be taken and appropriated as aforesaid, as they might do if the same were by them holden in their own rights respectively.

Minors' property taken.

SECT. 16. *Be it further enacted*, That all expenses that have been, or shall be incurred, in procuring the inspection, examination, and surveying the location of said canal, and also all expenses that have been, or shall be incurred, preparatory to the incorporation and organization of the company, shall be refunded to those who paid the same, out of the first instalment; and the amount thereof shall be entered on the books of the company, and become a part of the capital stock.

Expenses to be paid from the corporate funds.

SECT. 17. *Be it further enacted*, That from and after the expiration of ten years, from and after the passing of this act, if the corporation hereby created shall not have completed the said canal, the Legislature of this Commonwealth may, upon application of any other company for the privileges hereby granted, incorporate such other company for the purpose of making said canal. [Feb. 4, 1823.] Add. acts—1825 ch. 11: 1829 ch. 50: 1832 ch. 47. See also 1836 ch. 199.

Time limited for opening canal.

An Act in addition to an Act, to provide a salary for the County Attorney for the County of Suffolk.

Chap. 63.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the sum of twelve hundred dollars be established as the annual salary of the attorney of the Commonwealth within and for the county of Suffolk, to be paid out of the treasury of said county, in quarterly payments; and to be in full compensation for his services, and in lieu of all fees and charges heretofore received by him, and also for services for administering oaths to witnesses, as commissioner, or otherwise, inclusive.

1821 ch. 104.

Salary.

SECT. 2. *Be it further enacted*, That said attorney shall account to the treasurer of said county for all fees received by him; and the amount shall be deducted from his salary; or if they exceed the amount thereof, the balance shall be paid by him into the county treasury; and in the settlement of the accounts for expenses in criminal proceedings between the Commonwealth and said county, there shall no more be charged to the Commonwealth, for the services of said attorney, than his salary as aforesaid. [Feb. 8, 1823.] Add. act, 1834 ch. 202.

Attorney shall account for fees.

An Act to incorporate the Northampton Manufacturing Company.

Chap. 64.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathan Storrs, Josiah D. Whitney, Charles Tappan, James Bull, Eliphalet Williams, Isaac Damon, Theodore Strong, and Jonathan H. Lyman, their successors and assigns, be, and they are hereby incorporated, by the name of the

Persons incorporated.

Powers and re-
quirements.

1808 ch. 65.

Northampton Manufacturing Company, for the purpose of manufacturing cotton, iron, and wool, in the town of Northampton ; with all the powers and privileges, and subject to all the duties and requirements, prescribed in an act, entitled “an act defining the general powers of manufacturing corporations,” passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the said corporation may hold personal estate, to the amount of one hundred thousand dollars, and real estate, not exceeding fifty thousand dollars, to be divided into shares of five hundred dollars each. [Feb. 8, 1823.]

Chap. 65.

An Act to incorporate the Proprietors of Bass River Lower Bridge, in the County of Barnstable.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abiel Akin, David Akin, Thomas Akin, Isaiah Crowell, Seth Kelley, Zeno Kelley, Benjamin Tripp, and Robert Wing, with their associates, successors and assigns, be, and they are hereby incorporated, for the purpose of building a bridge over Bass river, between the towns of Yarmouth and Dennis, in the county of Barnstable ; and the said persons before named, with their associates, shall be a corporation and body politic, with all the powers and privileges, and subject to all the duties and requirements, of other corporations for building bridges ; and shall also be further subjected and required to conform to the

Powers and
privileges.

Conditions and
restrictions.

conditions, provisions and restrictions, following, viz.: First—

Draw.

That the said bridge shall be built directly across the said Bass river, from Lewis Crowell’s wharf, in Yarmouth, to the shore in said Dennis. Second—That said bridge shall be built wholly on piles, with the exception of a suitable abutment from the eastern shore ; that the said bridge shall have a sufficient draw, not less than thirty feet wide, and not less than thirteen feet above common high water ; that the proprietors of the bridge, and their heirs and assigns, forever, shall be bound to open the draw, for all vessels to pass through, with permanent masts, too high to sail under with the masts standing ; and the said proprietors, their

Fines for deten-
tion of vessels.

heirs and assigns, shall forfeit twenty dollars to the master or owner of every vessel that may suffer unreasonable detention from the draw, for each and every instance such vessel is detained ; and the proprietors shall place two buoys, well anchored, the one above, and the other below the bridge, with a ring in each, for warping through, and shall continue them there, so long as the bridge shall remain, at their own expense ; and if the said bridge shall cause shoals under, or on either side of the draw, so as to obstruct the passage of vessels, the draw shall be removed, from time to time, to where is the best water ; and if the said bridge shall cause a bar across the said river, so as to render it difficult for vessels to pass in any place, and it shall be thought best by the vessel owners above the bridge, to take the bridge out of the river altogether, it shall be done at the expense of the

Buoys.

Bridge may be
removed, in
case, &c. §

proprietors. Third—The proprietors of said bridge, their heirs and assigns, shall, at their own expense, purchase, fence, make and keep in good repair, an open road from the end of the bridge, touching the shore of Dennis, to the ferry road; and that the town of Dennis shall be forever free from all charges and expenses arising from the said road, or said bridge.

Road to be made and kept in repair.

SECT. 2. *Be it further enacted*, That the said bridge shall be well built, with sound and durable materials, twenty-four feet wide, at least, and be floored with plank or timber suitable for such a bridge, with sufficient rails on each side, for the safety of passengers, and shall be at all times kept in good, safe and passable repair; and the proprietors, at the place or places where the toll shall be received, shall erect, and keep constantly exposed to view, a sign, or board, with the rates of toll, of all tollable articles, fairly and legibly written and marked thereon: and all persons, with their carriages and horses, passing to or from their usual places of public worship, and all persons going to and returning from military duty, and all persons passing to and from funerals, be, and hereby are exempted from paying toll, as required by this act. And if the said proprietors neglect to build and complete said bridge, within five years from the passing of this act, then it shall be void, and of no effect.

Persons exempted from paying toll.

Limitation of this act.

SECT. 3. *Be it further enacted*, That for reimbursing the said proprietors the monies by them expended, or that may hereafter be expended, in building and supporting said bridge, a toll is hereby granted and established for the sole benefit of said proprietors, according to the rates following, viz.:—For each foot passenger, three cents; for each horse and rider, eight cents; for each horse and chaise, chair, or sulky, or one horse wagon or sleigh, twenty cents; for each coach, chariot or phaeton, or other carriage with four wheels, twenty-five cents; for each cart, sled, or other carriage of burden, drawn by one beast, twelve cents and five mills; and if drawn by two beasts, seventeen cents; and if drawn by more than two beasts, twenty-five cents; for each horse without a rider, and neat cattle, four cents each; for sheep or swine, twelve cents by the dozen, and in proportion for a less number; and one person, and no more, shall be allowed for each team, to pass free of toll; for each hand cart or wheelbarrow, six cents. And at all times when the toll gatherer is not attending to his duty, the gate or gates shall be left open. And the taking of toll shall commence on the day of opening said bridge for passengers, and shall continue, for the benefit of said corporation, forever: *provided*, that at any time hereafter the rate of toll shall be subject to the regulations of the Legislature.

Rates of toll.

SECT. 4. *Be it further enacted*, That upon application of any two of the proprietors aforesaid, to either of the justices of the peace for the county of Barnstable, such justice may issue a warrant, directed to some member of the said corporation, requiring him to notify and warn a meeting of said proprietors, to be holden at such time and place, as shall be appointed in said warrant, to choose such officers, as corporations for building

First meeting.

By-laws.

bridges are empowered to choose and appoint. And the said corporation, at the same or any subsequent meeting, may order the mode of notifying and calling future meetings, and may make and adopt such by-laws, rules and regulations, as may be necessary and convenient for the management of their affairs: *provided*, they are are not repugnant to the constitution and laws of this Commonwealth. [*Feb. 8, 1823.*]

Chap. 66.

An ACT incorporating the Westport Manufacturing Company.

Persons incor-
porated.Powers and re-
quirements.

1808 ch. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Allen and Richard Allen, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Westport Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Westport, in the county of Bristol; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an "act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the acts in addition thereto.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for the purposes aforesaid. [*Feb. 8, 1823.*]

Chap. 67.

An ACT, in further addition to an act, entitled "An Act establishing the Ninth Massachusetts Turnpike Corporation."

1799 ch. 54.
(v. 2. p. 360.)
1800 ch. 4. 56.
(v. 2. p. 387,
423.)
1801 ch. 51.
(v. 2. p. 495.)

May erect a
gate.

Rates of toll.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Ninth Massachusetts Turnpike Corporation may erect a turnpike gate on the road belonging to the said corporation, between the line of the town of Uxbridge and the house of Clark Cook, in Mendon; and shall be entitled to receive from each traveller or passenger, at said gate, the following rate of toll, to wit:—For every coach, phaeton, chariot, or other four wheel spring carriage, drawn by two horses, twelve and an half cents; and if drawn by more than two horses, two cents for each additional horse; for every chaise, chair, sulky, or other carriage for pleasure, drawn by one horse, six cents and one quarter; for every cart, wagon, sled, or sleigh, drawn by two horses or oxen, five cents; and if drawn by more than two, one cent for each additional horse or ox; for every cart, wagon, sled, or sleigh, drawn by one horse, three cents; for each man and horse, two cents; for all horses, mules, or neat cattle, led or driven, besides those in teams or carriages, one half cent each; for all sheep or swine, at the rate of one cent and an half by the dozen.

SECT. 2. *Be it further enacted*, That when the said corporation shall have erected a turnpike gate as aforesaid, and shall begin to receive toll at the same, the rate of toll at the turnpike

gate in Bellingham, belonging to the said corporation, shall be reduced. And it shall be lawful, from and after that time, for the said corporation to receive at its said turnpike gate in Bellingham, of all travellers and passengers, the same rate of toll mentioned in the first section of this act, and no greater.

Reduction of toll.

SECT. 3. *Be it further enacted*, That the said Ninth Massachusetts Turnpike Corporation, with relation to the turnpike gates aforesaid, shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled “an act defining the general powers and duties of turnpike corporations,” passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five. [Feb. 8, 1823.]

Powers, privileges and penalties.

1804 ch. 125.

An ACT to incorporate the President, Directors and Company of the Oxford Bank.

Chap. 68.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Slater, Jonathan Davis, Richard Olney, Jeremiah Kingsbury, Simeon Burt, John Spurr, Daniel Turte-lott, Edward Howard, William Sigourney, Henry Sargent, James Smith, Joseph Thayer, Francis Sibley, and Orra Goodale, with their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Oxford Bank; and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever; and also to make, have and use a common seal, and to ordain, establish and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns; *provided*, such by-laws, ordinances and regulations, shall be in no wise contrary to the constitution and laws of this Commonwealth: and the said corporation shall be always subject to the rules, restrictions, limitations and provisions, herein contained.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That the capital stock of said bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, to be paid in, in the following manner, viz.:—One fourth part thereof on or before the first day of July next, one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of January next, and the residue on or before the first day of July thereafter, or at such earlier time as the stockholders, at any meeting, may order. And no dividend of profits shall be declared or paid on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of

Capital Stock.

Shares.

Instalments.

Transfer and disposition of stock and profits.

said bank ; which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of four thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper : *Provided, however,* that nothing herein contained shall prevent said corporation from taking and holding real estate on mortgage, or on execution, to any amount, as security for, or in payment of any debt due to said corporation : *And provided further,* that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed, and actually paid in, and existing, in gold and silver, in the vaults of the same, shall amount to twenty-five thousand dollars.

Limitations, provisions, &c. 1811 ch. 84. *SECT. 3. Be it further enacted,* That the rules, limitations and provisions, which are provided in and by the third section of an act, entitled “an act to incorporate the President, Directors and Company of the State Bank,” shall be binding on the bank hereby established, in the same manner as though specially recited in this act, excepting that the bond to be given by the cashier, shall be given in the penal sum of twenty thousand dollars ; and the number of directors to be annually chosen, shall be nine, and be inhabitants of, and residents within this Commonwealth, and accountable for the doings of the whole board, five of whom may constitute a quorum for transacting business : *Provided,* that the amount of the bills of the said bank in circulation, shall not, at any time, exceed fifty per centum beyond the amount of the capital actually paid in.

Location. *SECT. 4. Be it further enacted,* That said bank shall be established and kept in the town of Oxford, in the county of Worcester.

Examination of books, vaults, &c. *SECT. 5. Be it further enacted,* That any committee specially appointed by the Legislature, for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults ; and if upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions, in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

Forfeiture of charter. *SECT. 6. Be it further enacted,* That the persons herein before named, or any one of them, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same, three weeks successively, in the Massachusetts Spy and National Ægis, two papers printed in Worcester, for the purpose of making, ordaining and estab-

First meeting.

lishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

By-laws and
choice of offi-
cers.

SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, herein before provided for. And whenever the Commonwealth shall become so interested in said bank, the governor and council shall have a right to appoint four additional directors, for the management of the same.

State Stock.

State Directors.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration.

Bank to pay al-
tered bills.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

State tax.

SECT. 10. *Be it further enacted*, That one tenth part of the whole capital of said bank, may always be appropriated to loans, to be made exclusively to citizens of this Commonwealth, wherein the directors shall particularly regard the agricultural and manufacturing interest in the same; which loans shall be made in sums not exceeding five hundred dollars, nor less than one hundred, to be secured by the personal bond of the borrower, and a satisfactory mortgage of real estate, as collateral security, for the term of not less than one year; the interest on all such loans to be paid annually, and the estate so mortgaged, subject to the same forfeitures, and entitled to the same rights of redemption, as is by law provided in other cases.

Loans on secu-
rity of real es-
tate.

SECT. 11. *Be it further enacted*, That whenever the legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum.

Loans to State.

SECT. 12. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year, from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void. [Feb. 8, 1823.] Add. act, 1830 ch. 73.

Condition of
charter.

Chap. 69. An Act in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Salem Bank."

1812 ch. 40.

Increase of capital stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the president, directors and Company of the Salem Bank, be, and they hereby are authorized to increase their present capital stock, by an addition of fifty thousand dollars thereto, which shall be paid in, on or before the first Monday of April next.

Condition of increase.

SECT. 2. *Be it further enacted,* That the additional stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions, as the present capital stock of said corporation is now holden, by virtue of the act, to which this is in addition. [Feb. 8, 1823.]

Chap. 70. An Act to change the name of the Parish, called the North Parish of Bridgewater.

Alteration of Parish name.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the parish heretofore known and called by the name of the North Parish in Bridgewater, lying chiefly in the town of North Bridgewater, in the county of Plymouth, and partly in the town of Abington, in said county, and partly in the town of Stoughton, in the county of Norfolk, shall no longer bear that name, but henceforth shall be called and known by the name of the First Parish in North Bridgewater; and all officers of said parish shall hold and exercise their respective offices, in the same manner as they would have done, had not the name of said parish been changed. [Feb. 8, 1823.]

Chap. 72. An Act to incorporate the Belvidere Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edward St. Loe Livermore, John Bellows, and Thomas Cordis, with their associates, successors and assigns, be, and they hereby are incorporated, by the name of the Belvidere Manufacturing Company, for the purpose of manufacturing cotton and woollen cloths, and stamping calicoes, at a place called Belvidere, adjoining Hunt's Falls, in Merrimack river, in the town of Tewksbury; and shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an act, passed in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and also the several acts supplementary thereto, or that may hereafter be passed, in addition to the same.

Location.

Powers and requirements.
1808 ch. 65.

Real estate.

Capital stock.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized [of] and hold in fee simple, such real estate as may be necessary for their aforesaid purposes; *provided,* the first cost, or sums paid for the same, shall not exceed in value the total amount of fifty thousand dollars; and shall also have liberty to raise and establish a fund, or capital stock, for erecting suitable buildings, and defraying the expenses incident to such an establishment; *provided,* the same shall at no time exceed six hundred and fifty thousand dollars. [Feb. 8, 1823.]

AN ACT to establish the First Baptist Society in Littleton.

Chap. 73.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jonathan Whitcomb, William Lapham, Asahel Farnsworth, Aaron Tuttle, Matthew Brooks, Joseph Dadmun, Nathan Brown, Daniel Burnham, Calvin Blanchard, Jonathan Peirce, Hezekiah Sprague, Seth M. Robbins, Samuel White, John Clark, Joseph Dadmun, Junior, Alden Wheeler, John Blanchard, Abner Wheeler, John Dodge, Barnabas Dodge, Samuel Reed, Samuel Peirce, Stephen Pingery, Junior, Aaron Brown, George Vinal, Abigail Peirce, Abigail Blanchard, and George Jeffords, together with their families and estates, be, and they are hereby incorporated as a distinct religious society, by the name of the First Baptist Society in Littleton; with all the powers, privileges and immunities of other parishes or religious societies in this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That any person who may hereafter wish to join in religious worship, and become a member of said First Baptist Society in Littleton, shall have liberty so to do, by giving notice, in writing, of such desire and intention, to the clerk of the parish or religious society, where such person has formerly attended public worship; also a copy of said notice, in writing, to the clerk of said Baptist Society, fourteen days, at least, previous to the annual meeting of said Baptist Society; and such person, from the date aforesaid, shall be considered a member of said Baptist Society.

Conditions of membership.

SECT. 3. *Be it further enacted,* That whenever any person shall see cause to leave said society, and join some other religious society, the like notice and process shall be made and given, *mutatis mutandis*, as is prescribed in the second section of this act: *provided, also,* that every person so leaving, shall be holden to pay his or her proportion of such parochial expenditures, as shall be voted or assessed, and not paid prior to the leaving of any society.

Conditions of secession.

SECT. 4. *Be it further enacted,* That any three of the persons named in this act, are hereby authorized to call the first meeting of said society, for the purpose of choosing the officers necessary to manage the prudential affairs, and of determining the mode of calling future meetings, by posting a notification at their usual place of worship, specifying the time and place of said meeting, fourteen days previous thereto. [Feb. 8, 1823.]

First Meeting.

AN ACT to continue in force the Act incorporating the Essex Fire and Marine Insurance Company.

Chap. 74.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled "an act to incorporate William Gray, Junior, Esquire, and others, into a company, by the name of the Essex Fire and Marine Insurance Company," passed on the seventh day of March, in the year of our Lord one thousand eight hundred and three, and the act in addition thereto, passed on the ninth day of June, one thousand eight hundred and four-

1802 ch. 110.
(v. 3. p. 161.)

1814 ch. 9.

Charter extended. teen, shall be and remain in force for the term of twenty years, from and after the seventh day of March, in the year of our Lord one thousand eight hundred and twenty-three; with all the powers and privileges, granted by an act, entitled "an act to define the powers, duties and restrictions of insurance companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen: *provided, however*, that said corporation shall be subject to all the duties and requirements prescribed and contained in the said act, entitled "an act to define the powers, duties and restrictions of insurance companies;" and that the said Fire and Marine Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [*Feb. 8, 1823.*]

Chap. 75. An Act regulating the catching of Salmon, Shad and Alewives, in Merrimack River, at the mouth of Shawsheen River, in the town of Andover.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the laws heretofore made for regulating the catching of salmon, shad and alewives, in Merrimack river, so far as they go to prevent their being taken at or near the mouth of Shawsheen river, in the town of Andover, be and the same are hereby repealed. [*Feb. 8, 1823.*] Add. act, 1832 ch. 56.

1789 ch. 51.
(v. 1, p. 272.)
1792 ch. 78.
(v. 1, p. 442.)
1795 ch. 10.
(v. 2, p. 35.)
1812 ch. 84.

Chap. 76. An Act to annex Daniel Coney, with his Estate, to the town of Ware.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Coney, with so much of his estate as is within the bounds of the towns of Brookfield and Western, in the county of Worcester, be and they are hereby set off from said towns, and annexed to the town of Ware, in the county of Hampshire; and he shall hereafter be subject to all the duties, and entitled to all the privileges, of an inhabitant of said town of Ware: *provided, however*, said Daniel Coney shall be liable to pay all taxes that have been legally assessed on him, by said towns of Brookfield and Western. [*Feb. 8, 1823.*]

D. Coney and estate annexed to Ware.

Chap. 77. An Act to authorize the sale of Parsonage Lands, which belong to the North Parish in the town of Haverhill, in the county of Essex, to raise a Fund for the support of the Gospel Ministry in said Parish, and to appoint Trustees for the management thereof.

Trustees. *SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Aaron Carleton, Jr. Peter Whittaker, John Brickett, Benjamin Clement, and Moses Merrill, be, and they are hereby appointed trustees to manage such funds as shall be raised and appropriated, given or bequeathed, to the use aforesaid, or to other parochial uses, in and for said parish; and for that purpose they are hereby constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund, in the North Parish in Haverhill; and they and their successors, to be chosen and appointed in the manner hereafter prescribed, shall be and continue a body politic and corporate forever, by that name; and may have a common seal, and may alter the

Corporate name.

same at pleasure ; and by that name may sue and be sued, in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution ; and the said trustees, and their successors in office, may and shall annually elect a clerk, who shall be sworn to the faithful performance of the duties of his office, and a treasurer, who shall give bond to the said trustees, in such sum, not less than five thousand dollars, as the said trustees shall deem adequate, with sufficient surety or sureties, faithfully to account for the monies, and all other property he may receive by virtue of this act.

General powers.

Election of clerk ;

—treasurer.

SECT. 2. *Be it further enacted,* That the real estate belonging to said parish be and hereby is vested in said trustees and their successors ; and the said trustees be and hereby are authorized to sell and convey the whole or any part of said real estate, and the whole or any part of the wood thereon standing, and to order and cause their treasurer to make, execute and acknowledge a good and sufficient deed or deeds thereof ; which deed or deeds, subscribed by their treasurer, with the seal of said trustees thereto affixed, and by their direction, shall be good and effectual in law to pass and convey all the right of said parish in and to said real estate, to the purchaser thereof, to all intents and purposes whatsoever : *Provided, however,* that in any sale as aforesaid, the approbation of the said parish shall be first expressed at a legal meeting duly convened for that purpose.

Trustees may dispose of real estate.

Proviso.

SECT. 3. *Be it further enacted,* That the number of said trustees shall not at any time be more than five, nor less than three, a major part of whom shall constitute a quorum for transacting business ; and the inhabitants of said parish may, at any lawful meeting, duly warned and called for that purpose, remove any of said trustees from their said office ; and whenever any vacancy shall happen in said board of trustees, either by death, resignation or removal, the said parish, at any parish meeting, legally warned for that purpose, may, by ballot, fill said vacancy within one year after it shall happen ; and if the said parish neglect so to do within that time, then the said trustees, by a major vote, shall have power to fill such vacancy ; and the said trustees shall annually hold a meeting in the month of March or April, and as much oftener as necessary, to transact their business.

Number of trustees.

Vacancies, how filled up.

SECT. 4. *Be it further enacted,* That any gift, grant, bequest, or devise, hereafter made to said trustees, shall be valid and effectual to all intents and purposes whatsoever ; and said trustees shall hold, use and appropriate said gifts, grants, bequests and devises, according to the directions, intentions and limitations of the donors, testators and devisors. And said trustees and their successors in office, are hereby empowered to take, have, hold, purchase and exchange, use and improve any estate, real or personal, the annual income whereof shall not exceed the sum of one thousand dollars, in trust, for the support and maintenance of the congregational gospel minister of said parish ; and whenever, and as long as said parish shall be destitute of such regular

Bequests, &c. to trustees, valid. §

Fund limited.

ordained minister, one third part of the net yearly income or interest of said fund or estate shall, by said trustees, be annually added to the principal fund to increase the same; and during the vacancy of such settled and ordained minister, the other two thirds of the said income may, by vote of the parish, be appropriated to the payment of the ministry for the time being, and may be placed in the hands of the parish treasurer, for that purpose: and during the settlement of such ordained minister, the whole or any part of the income or interest of said fund may be appropriated to the use of the ministry, and to the payment of the salary of the minister, and may be placed in the hands of the parish treasurer, annually, for that purpose: *provided*, the parish, at a legal meeting, shall vote the appropriation; and if the parish do not, during said settlement, annually appropriate the whole, or any part of said fund, for said use of the minister, or ministry, then the same, or any part thus unappropriated, shall annually be added to the principal, or capital fund.

Provision for minister.

Proviso.

Expenditure of income.

Proviso.

Fund unalienable.

Disposition of income.

Pay of officers.

Duties of clerk.

SECT. 5. *Be it further enacted*, That the income of said fund shall be expended exclusively for the support of public worship, as well for the use and benefit of the members of the congregational society, in Plaistow, in New Hampshire, who usually worship with said north parish, as for said parish, in the same manner as the income of the parsonage land has hitherto been enjoyed, under the limitations and conditions mentioned in this act: *provided, however*, that the members of said congregational society, in Plaistow, shall pay their just proportion of all additional sums, over and above the income of said fund, which may be necessary for the support of public worship, and other parochial purposes. And if said congregational society in Plaistow shall, by any means, acquire any funds for the support of public worship, the income of the same shall be expended, as well for the use and benefit of said north parish, as for themselves.

SECT. 6. *Be it further enacted*, That the said fund shall always be holden and claimed to be unalienable, and the principal thereof shall never, in any part, be expended, but always be kept entire, and whatever is added to the principal, shall be considered as principal: *provided, nevertheless*, that whenever the annual income shall exceed four hundred and fifty dollars, the parish may appropriate the surplus to other parochial purposes than the payment of the minister. And the said trustees, or their officers, agents or attorneys, for the services they may perform, shall be entitled to no compensation out of the monies arising from the funds aforesaid; but if entitled to any, shall have and receive the same of said parish, as may be annually agreed upon.

SECT. 7. *Be it further enacted*, That the said trustees shall cause to be recorded and kept in their books of records, one of which shall be kept by their clerk, and the other by their treasurer, an account of all their fiscal and parochial transactions whatever. The clerk, who shall always be one of the members of

said corporation, shall record all meetings, votes and doings of said trustees, and certify the same when required : he shall always call meetings of said trustees, when he may think necessary, or when required by any one or more of said trustees. The treasurer shall record and keep in his book of record a statement of the funds and estates in his hands, wherein shall be particularly designated the amount arising from the sale of parsonage lands, the nature and amount of every grant or donation, the period when made, the design thereof, and the grantors' and donors' name and place of abode, at large, with such other circumstances as said trustees may think useful ; and he shall make report of such statements to said parish, at their meetings in the month of March or April, annually, where the same shall be publicly read, or to a select committee, if said parish shall choose one for that purpose, together with a specific estimate of what estate they actually hold, and by what tenure, what money and effects are due to him or said trustees, and how the same are secured, what receipts have been obtained, and what payments made by him or them, the preceding year.

Duties of treasurer.

Annual report to parish.

SECT. 8. *Be it further enacted*, That the said trustees shall always loan upon interest all the money belonging to said fund, in sums not less than fifty dollars each, and for a term not more than three years, upon the bond or note of the borrower, with a mortgage of real estate, of not less than double the value of said loan, as collateral security for the repayment of the principal sum, with interest annually, till paid : *provided, however*, that where any of the aforesaid parsonage lands shall be sold upon a credit, and with the expectation that improvements will immediately be made upon it, it shall be sufficient to have a mortgage of the estate sold, with an approved surety with the principal. And if any debtor to said corporation shall fail to pay the interest due on said loan or note, for the space of thirty days, after the same shall become due, it shall be the duty of said treasurer to cause the interest due on such bond, note or mortgage, to be put in suit, and to be prosecuted until it shall be paid.

Funds to be kept at interest.

Proviso.

SECT. 9. *Be it further enacted*, That it shall be the duty of said trustees to use and improve such fund or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to promote the design thereof ; and they shall be amenable to the parish aforesaid for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired, or suffer loss, waste or diminution. And the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said trustees, or against any one or more of them, or their goods and estate, for such negligence or misconduct, and recover adequate damages therefor : and any sum so recovered, shall be for the benefit of said fund, and shall be paid accordingly.

Responsibility of trustees.

SECT. 10. *Be it further enacted*, That Moses Merrill, Esq. be and he hereby is authorized to appoint the time and place of the first meeting of said trustees, and to notify them accordingly ;

First meeting.

and said meetings, after the first, shall be called in such way and manner as the said trustees shall direct. [Feb. 8, 1823.]

Chap. 78.

An ACT to incorporate the Marblehead Free School Association.

Persons incor-
porated.

Powers and
privileges.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Reverend John Bartlett and his associates, their successors and assigns, be, and they are hereby incorporated and made a body politic, by the name of the Marblehead Free School Association; with power to have a common seal, to sue and be sued, to make and ordain from time to time, by-laws, rules and regulations, for the government and management of the said corporation: *provided*, the same be not repugnant to the constitution of this Commonwealth; and that they have all the privileges usually given by acts of incorporation to charitable societies.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the said corporation may take by purchase, gift, grant or otherwise, and hold real estate, not exceeding the value of four thousand dollars, and personal estate not exceeding the value of five thousand dollars, for the purposes and uses of the association.

First meeting.

SECT. 3. *Be it further enacted*, That any justice of the peace in the town of Marblehead be, and is hereby authorized to call the first meeting of said corporation, by posting notifications thereof in three public places in said Marblehead, one week previous thereto, and appoint the time and place thereof; at which meeting, the manner of calling future meetings shall be regulated. [Feb. 8, 1823.]

Chap. 79.

An ACT to change the Names of the persons therein mentioned.

Suffolk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several persons herein named, shall hereafter be known and called by the names they are hereby allowed to assume, viz.:—That Grace Baker, single woman, may take the name of Lucretia Baker; that Isaac Brown, druggist, may take the name of John Isaac Brown; that Ebenezer Dorr Child, son of David W. Child, may take the name of Edward Vernon Child; that Charles Fessenden may take the name of Charles Phillips Fessenden; that Charles Lee, merchant, may take the name of Charles Henry Lee; that William Parker, son of Jonas Parker, of Pepperell, may take the name of William Gay Parker; that Isaac Osgood, counsellor at law, may take the name of Isaac Peabody Osgood; that George Roulstone, son of John Roulstone, riding-master, may take the name of John Stephen Roulstone; that Lucy Parsons, daughter of the late Honorable Theophilus Parsons, may take the name of Lucy Greenleaf Parsons; that George Shepherd, trader, may take the name of George Adams Shepherd; that Robert Gibbs Southack may take the name of Robert Southack Gibbs; that Edward Williams, merchant, may take the name of Edward Alexander Williams; that William Winchester, son of Edmund Winchester, may take the

name of William Parsons Winchester; all of Boston, in the county of Suffolk : that Benjamin Deland Cox, of Lynn, cordwainer, may take the name of William Benjamin Dana; that Edward Stanley Dean, son of Thomas Dean, of Salem, mariner, may take the name of Edward Dean; that Jonathan Osborn, the third, son of Richard Osborn, of Danvers, may take the name of Jonathan W. Osborn; that Paine Sargent, of Newbury, chaise maker, may take the name of Paine Wingate Sargent; that Cornelius L. Wyatt, laborer, of Wenham, may take the name of Cornelius Larcom Preston; that Samuel Wyatt, laborer, of said Wenham, may take the name of Samuel Preston; all of the county of Essex : that Elizabeth Hedley, of Rochester, in the county of Plymouth, may take the name of Elizabeth Wing Hedley; that Harriot Dinsmore, daughter of Amos Parker, of Reading, may take the name of Harriot Brigden Parker; that Elijah Bingham Wright, of Pepperell, house-wright, may take the name of William Otis; both of the county of Middlesex : that James Carter, of Lancaster, son of James Carter, of Leominster, may take the name of James Gordon Carter; that Henry Hills, of Leominster, may take the name of George Henry Hills; both of the county of Worcester : that Nathan Fisher, of Dover, trader, may take the name of Nathan Mason Fisher; that James Thayer, of Weymouth, cordwainer, may take the name of James Eliphas Thayer; both of the county of Norfolk : that Rebecca Smith Rice, adopted daughter of Moses Smith, physician, of Hawley, in the county of Franklin, may take the name of Rebecca Ann Smith; that Henry Sheldon, son of Charles Sheldon, late of Springfield, deceased, may take the name of Henry W. Sheldon. And the several persons herein named, shall hereafter be called and known by the names, which, by this act, they are respectively allowed to assume as aforesaid; and the same shall be considered as their only proper and legal names. [Feb. 8, 1823.]

An Act to incorporate the Franklin Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Francis Welsh, John Bellows, James T. Austin, and Horace Gray, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Franklin Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions, of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies of this Commonwealth to insure against fire," passed on the twenty first of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of

Chap. 80.

Persons incorporated.

Powers and liabilities.

1817 ch. 120.

1819 ch. 141.

Limitation of
charter.

Real and per-
sonal estate.

twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure ; and may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, the said real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said company.

Capital Stock.

Stock to be hol-
den one year
by original sub-
scribers.

SECT. 2. *Be it further enacted*, That the capital stock of said company, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, one hundred and fifty thousand dollars of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue within one year from the passing of this act, in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation ; and if the provisions of this act shall not be complied with in one year from the first meeting, then the same shall be void.

Number of Di-
rectors.

Election of offi-
cers.

Votes.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day, and in such place in Boston, as a majority of the directors, for the time being, shall appoint ; of which election public notice shall be given in two of the newspapers printed in Boston, and continued for the space of ten days immediately preceding such election ; and the election shall be made, by ballot, by a majority of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than thirty votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors shall not be chosen on the second Monday of March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in said Boston, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and

shall choose out of their body, one person to be president, who shall be sworn, or affirmed, to the faithful discharge of the duties of his office, and who shall preside for one year. And in case of the death, resignation, or inability to serve, of the president, or any directors, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

Choice of President.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of the directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Board of directors.

Rules and regulations.

Clerks, their salaries.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same, for two successive weeks, in the Columbian Centinel, Boston Patriot, and Daily Advertiser, printed in Boston, for the purpose of electing their first board of directors, who shall continue in office till the second Monday of March, in the year of our Lord one thousand eight hundred and twenty-four, and until others shall be chosen in their stead: *provided, however*, that this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act: *and provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one hundred and fifty thousand dollars of the capital stock of said company shall have actually been paid in.

First meeting.

Conditions of charter.

Proviso.

SECT. 7. *Be it further enacted*, That said company shall never take, on any one risk against fire, or other risk, or loan, on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

Limitation of risks.

SECT. 8. *Be it further enacted*, That the said Insurance Company shall be located and kept in the city of Boston.

Location.

May be taxed. **SECT. 9.** *Be it further enacted,* That the said Franklin Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 10, 1823.]

Chap. 83. *An Act to continue in force the "Act incorporating the Marblehead Insurance Company."*

1802 ch. 126.
(v. 3. p. 185.)

**Renewal of
charter.**

1817 ch. 120.

Proviso.

May be taxed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled "an act to incorporate Robert Hooper, and others, by the name of the Marblehead Insurance Company," passed on the eighth day of March, in the year of our Lord one thousand eight hundred and three, shall be and remain in full force for the term of twenty years, from the eighth day of March in the year of our Lord one thousand eight hundred and twenty-three; with all the powers and privileges granted by said act, and also with all the powers and privileges granted by an act, entitled, "an act to define the powers, duties and restrictions of insurance companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen: *provided, however,* that the said corporation shall be subject to all the duties, restrictions and requirements, prescribed and contained in the said act, entitled "an act to define the powers, duties and restrictions of insurance companies;" and that said Marblehead Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 10, 1823.]

Chap. 84. *An Act authorizing the taxing of Pews in the Congregational Meeting-house, in Dover.*

Tax on pews.

**Valuation of
pews.**

**Assessment of
taxes.**

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Congregational Society in the district of Dover, in the county of Norfolk, be, and hereby are empowered to raise any sum or sums of money, which the members of said society may hereafter, at any legal meeting called for the purpose, vote to raise for the support of public worship in said society, by a tax on the pews in their meeting-house in said Dover.

SECT. 2. *Be it further enacted,* That, for the equitable apportionment of the taxes to be assessed on said pews, the members of said society shall cause a valuation thereof to be made by a committee to be chosen by them for that purpose; and the report of such committee, stating the respective numbers and value of said pews, shall, when accepted and recorded, be binding on all persons interested, for the purpose of taxation as aforesaid.

SECT. 3. *Be it further enacted,* That the sums voted to be raised on said pews shall, within ten days after such vote, be apportioned and assessed thereon by the assessors of said society for the time being, if such assessors there be, otherwise by the assessors of said district of Dover, according to such valuation: *provided, however,* that said society may, by vote, except from taxation such pews as they may think fit, not exceeding three in

number, and instruct said assessors accordingly, who shall omit such pews in the assessment.

SECT. 4. *Be it further enacted*, That said assessors shall, as soon as may be, make out a fair and correct list of the taxes assessed on each of said pews, according to this act, and deliver the same to the treasurer of said society, if any such there be, otherwise to the treasurer of said district of Dover. And it shall be the duty of said treasurer to give notice of such taxation and assessment to all concerned, by posting a copy of said list at the meeting-house door, at least thirty days before the expiration of the time limited, by vote of said society, for the payment thereof, and calling on all persons interested therein, to pay to him the several sums so assessed, according to the vote aforesaid.

List of taxes to be delivered to treasurer.

SECT. 5. *Be it further enacted*, That in case any person, having a right to any pew, taxed as aforesaid, as tenant thereof, for a term of time not exceeding one year, and standing on record as such tenant, and notified in manner aforesaid, shall neglect or refuse to pay said tax, according to the vote of said society, it shall be the duty of said treasurer, (who shall also be collector,) and he is hereby authorized and empowered to enforce payment thereof, by any of the legal means by which payment of ordinary town or parish taxes may be enforced.

Payment of taxes enforced.

SECT. 6. *Be it further enacted*, That if any person or persons at present entitled, or who shall hereafter become lawfully entitled to any of said pews, either as owner in fee, or as tenant for a term of time exceeding one year, shall neglect or refuse to pay any tax assessed as aforesaid, after notice thereof, as herein above provided, in the manner, and within the time prescribed by vote of said society, it shall be the duty of said treasurer, and he is hereby authorized and empowered to sell the pews thus owned or held in tenancy, and all the right and title of such owner or tenant, upon which such tax, or any part thereof, shall remain unpaid, at public auction, to the highest bidder; and his deed to the purchaser, recorded in the records of the society, or of said district of Dover, shall give to the purchaser all the right, title and interest in such pew, which said former owner or tenant had in and to the same: *provided, however*, that the treasurer aforesaid shall, after the expiration of the time limited by vote of the society for the payment of such tax, give at least twenty days notice of the time and place of the vendue, by posting one advertisement at said meeting-house, and one at some other public place in said district, stating the number of the pew to be sold, and the tax due upon it; and the remedy provided in this section shall be the only mode of collecting said taxes, in all cases where the owner or tenant has, or shall have a right, as owner or tenant, to any pew so taxed, for a term of time exceeding one year.

Pews of delinquents may be sold at auction.

Proviso.

SECT. 7. *Be it further enacted*, That in case the treasurer shall deem an adjournment of his sales necessary, he may adjourn from time to time, not exceeding seven days at one time, until they be completed; and in all cases he shall pay over to the for-

Adjournment of sales.

mer owner or tenant the balance of monies in his hands, arising from such sale, after deducting the taxes due, and his own reasonable charges for advertising and selling the same. [Feb. 10, 1823.]

Chap. 85.

An Act providing for the assessment of taxes in the county of Suffolk.

City Council
may lay taxes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the City Council of the city of Boston shall have power, from time to time, to lay and assess taxes in the county of Suffolk, for all purposes for which county taxes may belevied and assessed, so long as the town of Chelsea shall continue not to be liable to taxation for any county purposes. [Feb. 10, 1823.]

Chap. 88.

An ACT to incorporate the Merchants' Insurance Company, in Salem.

Persons incor-
porated.

Powers and
liabilities.

1817 ch. 120.

1819 ch. 141.

Limitation of
charter.

Real and per-
sonal estate.

Capital stock.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Peter Lander, John Forrester, Nathaniel West, Willard Peele, Pickering Dodge, Stephen Phillips, and Edward Lander, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Merchants' Insurance Company, in Salem ; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies of this Commonwealth, to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure ; and may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, the said real estate shall not exceed the value of fifteen thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said company.

SECT. 2. Be it further enacted, That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall be one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue, in money, in one year, in such instalments, and under such penalties, as the president and directors shall in their discretion direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during

the term of one year after the said company shall go into operation.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of April in each and every year, and at such time of the day, and in such place in Salem, as a majority of the directors, for the time being, shall appoint ; of which election, public notice shall be given by publication in some newspaper, printed in Salem, ten days at least previous to such meeting ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors shall not be chosen on the second Monday of April, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in said town of Salem, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.

Number of directors.

Election of directors.

Votes.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body, one person to be president, who shall be sworn, or affirmed, to the faithful discharge of the duties of his office, and who shall preside for one year. And in case of the death, resignation, or inability to serve, of the president or any directors, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

Choice of president.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of the directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a secretary, and so many clerks and ser-

Board of directors.

By-laws, rules and regulations.

Clerks, their salaries.	vants for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet ; <i>provided</i> , such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.
First meeting.	SECT. 6. <i>Be it further enacted</i> , That any two or more of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same, in some newspaper, printed in Salem, in two successive papers, for the purpose of electing their first board of directors, who shall remain in office till the second Monday of April, in the year of our Lord one thousand eight hundred and twenty-four, and until others shall be elected in their stead : <i>provided, however</i> , that this charter shall be void and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act : <i>and, provided, also</i> , that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.
Conditions of this charter.	
Limitation of risks.	SECT. 7. <i>Be it further enacted</i> , That the said company shall never take on any one risk or loan on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way, on the same bottom, a sum exceeding ten per centum of the capital stock of said company, actually paid in, agreeably to the provisions of this act.
Location.	SECT. 8. <i>Be it further enacted</i> , That the said insurance company shall be located and kept in the town of Salem.
May be taxed.	SECT. 9. <i>Be it further enacted</i> , That the said merchants' insurance company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [<i>Feb. 10, 1823.</i>]

Chap. 89.

An ACT to incorporate the Commercial Insurance Company.

Persons incorporated.	SECT. 1. <i>BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same</i> , That John Bryant, Ebenezer Francis, Phineas Upham, Edmund Dwight, William Appleton, William Lawrence, Amos Lawrence, Ebenezer Breed, George Bond, Thomas Motley, Daniel P. Parker, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Commercial Insurance Company ; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and
Powers and liabilities.	
1817 ch. 120.	
1819 ch. 141.	
Limitation of charter.	

defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure ; and may purchase, hold and convey any estate, real and personal, for the use of said company : *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue, in money, to be paid, twenty-five per centum thereof in six months, and twenty-five per centum in one year, after said first meeting ; and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, after the company shall go into operation : *provided, however*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Capital stock.

Condition of taking risks.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day, and at such place in the city of Boston, as a majority of the directors, for the time being, shall appoint ; of which election, public notice shall be given in two or three newspapers, printed in the city of Boston, and continued for the space of ten days, immediately preceding such election ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors shall not be chosen on the second Monday in March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed. And it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the city of Boston, as he shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.

Directors.

Election of directors.

Votes.

Secretary to call meetings of the stockholders.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet so soon as may be, after every election, and shall choose, out of their body, one person to be president, who

Choice of president.

shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year. And in case of the death, resignation, or inability to serve, of the president or any directors, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

SECT. 5. *Be it further enacted*, That the President and four of the directors, or five directors in the absence of the president, shall be a board competent for the transaction of business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares; and touching the duties and conduct of the officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and also shall have power to appoint a secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them and the president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same, for two successive weeks, in two of the newspapers printed in Boston, for the purpose of electing the first board of directors, who shall continue in office until the second Monday of March, in the year of our Lord one thousand eight hundred and twenty-four, and until others are chosen: *provided, however*, that this charter shall be void and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, or loan on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way, on the same bottom, a sum exceeding ten per centum of the capital stock of said company, actually paid in, agreeable to the provisions of this act.

SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

SECT. 9. *Be it further enacted*, That the said Commercial Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [*Feb. 10, 1823.*]

Chap. 91.

An Act to continue in force the Act incorporating the Union Insurance Company.

1803 ch. 89.
(v. 3. p. 323.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled "an act to incorporate Nathaniel Fellows

and others, into a company by the name of the Union Insurance Company," passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and four, shall be and remain in force for the term of twenty years, from and after the fifth day of March, one thousand eight hundred and twenty-three, with all the powers and privileges granted by the said act, and also with all the powers and privileges granted by "an act, entitled an act to define the powers, duties, and restrictions of insurance companies," passed the sixteenth day of February, in the year one thousand eight hundred and eighteen: *provided, however*, that the said corporation shall be subject to all the duties and requirements prescribed and contained in the said act, entitled "an act to define the powers, duties and restrictions of insurance companies;" and that the said Union Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [*Feb. 10, 1823.*]

Renewal of charter.

1817 ch. 120.

Proviso.

May be taxed.

An ACT to incorporate the New England Domestic Insurance Company.

Chap. 94.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lewis Tappan, Samuel Hubbard, and Ebenezer Francis, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the New England Domestic Insurance Company; with power to insure manufactories and other buildings and property against fire, and to be governed and controlled by the provisions contained in a law of this Commonwealth, entitled "an act to define the powers, duties, and restrictions of insurance companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, so far as the same may apply to a corporation established for the sole purpose of insuring against the risk of fire, and with authority to make insurances against fire, on buildings, machinery and stock employed in manufacturing, and on dwelling-houses, and all other buildings and property liable to be burned or injured by fire, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, their real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Persons incorporated.

Powers and liabilities.

1817 ch. 120.

Limitation of charter.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money, within ninety days after the first meeting of said corporation, and the residue, in money, within one year, twenty-five per centum thereof in six months,

Capital stock.

Shares.

and twenty-five per centum in one year from and after said first meeting : *provided, however*, that said corporation shall not make any insurance until fifty per centum of their capital stock shall have been actually paid, in money, by the several stockholders ; and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation.

SECT. 3. *Be it further enacted*, That the property, affairs and concerns of said company shall be managed and conducted by seven directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their election, which shall be on the second Monday of March, in every year, at such time of the day, and place, in Boston, as a majority of the directors, for the time being, shall appoint ; notice of which election shall be given in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written ballots, and by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than thirty votes, and absent stockholders may vote by proxy. And if, from any cause, the directors shall not be chosen on the second Monday of March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.

SECT. 4. *Be it further enacted*, That the said directors shall meet as soon as may be, after every election, and choose from their own board, one person to be president, who shall be sworn to the faithful discharge of the duties of his office ; and every vacancy in the office of president or directors, that may occur in the interim of the annual meetings, may be filled by a special election, in the manner herein prescribed for the annual elections.

SECT. 5. *Be it further enacted*, That the president and three directors, or four directors, in the absence of the president, shall be a board competent to transact the business of the company ; and all questions before them, shall be decided by a majority of the board ; and they shall have power to make such rules and by-laws, as they may deem proper, for the management of the affairs, and security of the property of said company, and have power to appoint a secretary, and such other officers as they think expedient, and make such compensation as they may deem adequate to the services performed : *provided*, that such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call the first meeting of said company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding such first meeting.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act. Limitation of risks.

SECT. 8. *Be it further enacted*, That this charter shall be void, and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act. Conditions of charter.

SECT. 9. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston. Location.

SECT. 10. *Be it further enacted*, That the said company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [*Feb. 11, 1823.*] May be taxed.

AN ACT to incorporate the General Interest Assurance Company.

Chap. 95.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Otis, William Brown, Samuel Sanford, Samuel Fales, and William D. Sohler, with their associates, successors and assigns, be, and they hereby are incorporated into a body politic, by the name of the General Interest Assurance Company, for and during the term of twenty years, from and after the passing of this act; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled “an act to define the powers, duties and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies in this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company. Persons incorporated.

Powers and liabilities.

1817 ch. 120.

1819 ch. 141.

Real and personal estate.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of said company, and the residue, in money, to be paid, twenty-five per centum thereof in six months, and twenty-five per centum in one year from and after said first meeting, under such penalties as three-fourths of the directors may determine: and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after said company shall go into operation as aforesaid. Capital stock.

Shares.

SECT. 3. *Be it further enacted*, That the property, affairs and concerns of said company shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their election; which shall be on the second Monday of March, in every year, at such time of the day, and place, in Boston, as a majority of the directors, for the time being, shall appoint; notice of which election shall be given in two newspapers printed in Boston, at least ten days previous to the election; which shall be made by written ballots, and by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *provided*, that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy. And if from any cause, the directors shall not be chosen on the second Monday in March aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, upon application in writing, made by the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, by giving like notice thereof as is herein prescribed for the election of directors.

Number of directors.

Election of directors.

Votes.

Secretary may call meetings of stockholders.

Choice of president.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year, by the surviving and continuing directors.

Board of directors.

By-laws.

Clerks, and their salaries.

SECT. 5. *Be it further enacted*, That the president, and two of the directors, or three directors, in the absence of the president, shall be a board competent to the transaction of the business of the company; and all questions before them shall be decided by a majority of the board; and they shall have power to make such rules and by-laws as they may deem proper, for the management of the affairs, and security of the property of said company; and have power to appoint a secretary, and such other officers as they may think expedient, and make such compensation as they may deem adequate to the services performed: *provided*, that such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

First meeting.

Conditions of charter.

Proviso.

SECT. 6. *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call a first meeting of this company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding such first meeting: *provided, however*, that this charter shall be void, and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act: *provided, also*, that the said company shall not take any

risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

SECT. 7. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

Location.

SECT. 8. *Be it further enacted*, That the said company shall never take, on any one risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way, on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act.

Limitation of risks.

SECT. 9. *Be it further enacted*, That the said General Interest Assurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 11, 1823.]

May be taxed.

An ACT to continue in force the Acts incorporating the New England Marine Insurance Company.

Chap. 96.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled “an act to incorporate William Phillips, Junior, and others, by the name of the New England Marine Insurance Company,” passed on the fifth day of March, in the year of our Lord one thousand eight hundred and three, and the act in addition thereto, passed on the sixth day of March, one thousand eight hundred and four, shall be, and remain in force for the term of twenty years, from and after the fifth day of March, one thousand eight hundred and twenty-three, with all the powers and privileges granted by “an act, entitled an act to define the powers, duties and restrictions of insurance companies,” passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen: *provided, however*, that said corporation shall be subject to all the duties and requirements prescribed and contained in the said act, entitled “an act to define the powers, duties and restrictions of insurance companies;” and that the said New England Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 11, 1823.] Add. act, 1824 ch. 111.

1802 ch. 106.
(v. 3. p. 151.)
1803 ch. 115.
(v. 3. p. 373.)

Renewal of charter.

1817 ch. 120.

May be taxed.

An ACT relative to the Fishery in the town of West Cambridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act, passed the twenty-second day of February, in the year of our Lord one thousand eight hundred and twelve, entitled “an act to regulate the fishery in the town of West Cambridge, and to empower said town to dispose of the privilege of taking the fish called shad and alewives, within the limits thereof,” be, and the same is hereby repealed. [Feb. 11, 1823.]

Chap. 97.

1811 ch. 129.

Act repealed.

Chap. 98. An ACT to incorporate the Second Society of Universalists, in the town of Cambridge.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Calvin Brooks, William Bogle, George C. Carter, Frederick Cambridge, John Coles, Asa Davis, David Daley, Thomas Ditson, Thomas Dowley, James Frost, Charles Gordon, Jesse Hall, Watson Hastings, Nathaniel Ireland, Josiah Johnson, Isaac Lyon, Joshua Lovell, William E. Marshall, James Niven, Levi Orcutt, Lyman Peck, Joseph Pulcifer, Clark Reed, Ezra Stone, Simeon Southwick, Joshua Thorp, Samuel Whittemore, Edward Wheeler, and Edward Walker, together with such others as already have, or may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Second Society of Universalists in the town of Cambridge; with all the powers and privileges, to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Powers and
privileges.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted,* That the said society shall be capable in law to purchase, hold and dispose of any estate, real or personal, for the use of said society: *provided,* the annual income thereof shall not exceed, at any time, the value of three thousand dollars.

Assessments.

SECT. 3. *Be it further enacted,* That the committee of the said society, chosen at any legal meeting thereof, shall have power to raise, by assessment on each member of said society, such sum or sums of money as may be by them considered a proportionate part of the expenses of settling and maintaining such a minister or ministers of the gospel, as the said society may call and elect, and the contingent expenses of the society; and generally to provide, and do all other business for the said society, as they may think proper.

First meeting.

SECT. 4. *Be it further enacted,* That any justice of the peace for the county of Middlesex, be, and he is hereby empowered, upon application therefor, to issue a warrant, directed to a member of the said Universalist Society, requiring him to notify and warn the members thereof to meet at such convenient time and place, as shall be appointed in said warrant, to choose a moderator, treasurer, clerk, and such other officers as they may think needful; and the said society, being duly organized, may then determine and settle the manner of notifying and calling future meetings. [*Feb. 11, 1823.*]

Chap. 99.

An ACT to incorporate the Mariners' Insurance Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Stephen Glover, Russell Glover, John Chandler, Junior, Henry Oxnard, John Bussey, Henry Prince, Junior, Atkins Adams, Abel Coffin, Henry Bancroft, Philip Fox, James Percival, Tilden Crooker, Winslow Lewis, Charles Tracy, Richard Urann, and George G. Jones, with their associates, successors and assigns, be, and they hereby are incorpo-

rated into a company, and body politic, by the name of the Mariners' Insurance Company ; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies of this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years, after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure ; and may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, the said real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

General powers
and require-
ments.

1817 ch. 120.

1819 ch. 141.

Limitation of
charter.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue, in money, in two equal instalments, one payable in six months, and the other in one year from the time of such first meeting, under such penalties as the president and directors shall, in their discretion, direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, after the said company shall go into operation.

Capital stock.

Shares.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day, and in such place in the city of Boston, as a majority of the directors, for the time being, shall appoint ; of which election, public notice shall be given, by publication in two newspapers printed in the city of Boston, ten days at least previous to such meeting ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors shall not be chosen on the second Monday in March, as

Directors.

Election of di-
rectors.

Notice.

Votes.

Secretary may call meetings of the stockholders.

aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place, in the city of Boston, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.

Choice of president.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet so soon as may be, after every election, and shall choose out of their body, one person to be president, who shall be sworn or affirmed, to the faithful discharge of the duties of his office, and who shall preside for one year. And in case of the death, resignation, or inability to serve, of the president or any directors, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

By-laws.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent for the transaction of business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, and the transfer of the shares; and touching the duties and conduct of the officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and also shall have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Clerks and their salaries.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same in two newspapers printed in the city of Boston, ten days prior to the day of such meeting, for the purpose of electing the first board of directors, who shall continue in office until the second Monday of March, in the year one thousand eight hundred and twenty-four, and until others shall be chosen in their stead: *provided, however*, that this charter shall be void and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act: *provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Conditions of this charter.

Limitation of risks.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, or loan on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any

other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

SECT. 8. *Be it further enacted*, That the said Mariners' Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

SECT. 9. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston. [Feb. 11, 1823.]

An ACT to incorporate the Boston and Salem Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Peter P. F. Degrand, John Pedrick the Third, Jeremiah Briggs, Willard Peele, John Burnstead, and Elisha Copeland, Junior, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Boston and Salem Insurance Company ; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth, to insure against fire," passed on the twenty-first of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years, after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure ; and may purchase, hold, and convey any estate, real or personal, for the use of said company : *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said company.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue, in money, [**twenty-five per centum in six months and*] twenty-five per centum in one year after the said first meeting. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, after the said company shall go into operation : *provided, however*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Chap 100.

Persons incorporated.

Powers and liabilities.

1817 ch. 120.

1819 ch. 141.

Limitation of charter.

Real estate.

Capital stock and shares.

* This provision is in the original draft, but omitted in the engrossed act.

Proviso.

- Number of directors.** **SECT. 3.** *Be it further enacted,* That the stock, property, affairs and concerns of the said company, shall be managed and conducted by thirteen directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of March in each and every year, at such time of the day, and in such place, in Boston, as a majority of the directors, for the time being, shall appoint ; of which election, public notice shall be given by publication in two newspapers printed in Boston, and two in Salem, ten days at least previous to such meeting ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors should not be chosen on the second Monday of March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place, in the city of Boston, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.
- Election of directors.**
- Votes.**
- Secretary may call meetings of the stockholders.**
- Choice of president.** **SECT. 4.** *Be it further enacted,* That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be president, who shall be sworn, or affirmed, to the faithful discharge of the duties of his office, and who shall preside for one year. And in case of the death, resignation, or inability to serve, of the president, or any directors, such vacancy or vacancies shall or may be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.
- Board of directors.** **SECT. 5.** *Be it further enacted,* That the president and three of the directors, or four of the directors, in the absence of the president, shall be a board competent to the transaction of business ; and all questions before them, shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of the directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a secretary, and so many clerks and servants for carrying on the said business,
- By-laws.**
- Clerks and their salaries.**

and with such salaries and allowances to them and to the president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same, for two successive weeks, in two of the newspapers printed in Boston, and two in Salem, for the purpose of electing their first Board of Directors, who shall continue in office till the second Monday of March, in the year of our Lord then next ensuing, and until others shall be chosen in their stead: *provided, however*, that this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act.

First Meeting.

Conditions of Charter.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, or loan, on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

Limitation of risks.

SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

Location.

SECT. 9. *Be it further enacted*, That the said Boston and Salem Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 11, 1823.]

May be taxed.

An ACT to incorporate a Religious Society, by the name of the Boston Society of the New Jerusalem.

Chap 106.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Worcester, Henry Gardner Foster, Barnabas Thayer Loring, Sampson Reed, Samuel Worcester, John Hubbard Wilkins, Tilley Brown Hayward, Timothy Harrington Carter, Caleb Reed, Warren Goddard, Simeon Child, Lemuel Little, Adonis Howard, and Nathaniel Balsh, Junior, together with their polls and estates, and such others as may associate with them, and their successors, be, and they hereby are incorporated and established as a religious society, by the name of the Boston Society of the New Jerusalem; with all the powers and privileges, and subject to all the duties of other religious societies, according to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That said society may have and use a common seal, and the same may break, alter and renew at pleasure; shall be capable of suing, and being sued, in any actions, real, personal, or mixed, in any court proper to try the same; shall and may take and hold in fee simple or otherwise, by gift, grant, devise or purchase, any estate, real or personal, the aggregate amount of which shall not exceed ten thousand dollars, and may sell and dispose of the same at pleasure.

Real and personal estate.

SECT. 3. *Be it further enacted*, That any justice of the peace for the county of Suffolk, upon application therefor, is hereby authorized to issue a warrant, directed to a member of said society, requiring him to notify and warn the members of said religious society in Boston, to meet at such time and place as shall be expressed in said warrant, for the choice of such officers, as religious societies have a right to choose, at their annual meetings. [*Feb. 11, 1823.*]

Chap 107.

An Act, in addition to an Act, entitled "An Act establishing the city of Boston."

1821 ch. 110.

Mayor and aldermen to be surveyors of highways.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the act establishing the city of Boston, be so far altered and amended, as to vest all the duties and powers of surveyors of highways for said city, in the mayor and aldermen of said city.

Mayor and aldermen to appoint places for meetings.

SECT. 2. *Be it further enacted*, That the said mayor and aldermen be, and they are hereby authorized to appoint the place of meeting for the inhabitants of any ward or wards in said city, without the limits of the ward in which such inhabitants dwell, in any adjoining ward, when in the opinion of the mayor and aldermen, the inhabitants can be more conveniently accommodated, than they can be within the limits of their respective wards: *provided*, that a distinct place of meeting shall be appointed for the inhabitants of every ward.

When lists of voters shall be completed.

SECT. 3. *Be it further enacted*, That the lists of all the citizens of each ward, qualified to vote in any election, shall be completed before sunset the day previous to every election; and when the election shall happen on Monday, the said lists shall be completed before sunset on the Saturday evening preceding; and that after the delivery of such lists to the clerks of the respective wards, no name shall be placed on such lists.

Police officer.

SECT. 4. *Be it further enacted*, That the mayor and aldermen of said city may elect the officer of police from their own board, if they see fit.

When this act shall take effect.

SECT. 5. *Be it further enacted*, That this act shall be void, unless the inhabitants of the city of Boston, at a legal meeting called for that purpose, shall, by a written vote, determine to adopt the same within thirty days. [*Feb. 11, 1823.*] Add. act, 1823 ch. 2: 1834 ch. 158: 1835 ch. 128.

Chap 109.

An Act to incorporate certain persons by the name of the Boston and Concord Boating Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Sullivan, and Richard Sullivan, and their associates and successors, be, and they are hereby incorporated, and shall be a corporation, under the name of the Boston and Concord Boating Company; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be and hereby are vested with all the powers

and privileges which are by law incident to corporations for the purposes, and only purposes in this act provided for.

Powers and privileges.

SECT. 2. *Be it further enacted*, That the said William Sullivan, and Richard Sullivan, their associates and successors, shall, under this act, have power and authority to have, own and use boats, landing places, and all necessary equipments, for the purpose of transporting goods, wares and merchandize, and all other articles, from Boston and Charlestown to the upper end of the Middlesex Canal, and thence by the river Merrimack to the northerly line of this State, and from said northerly line to Boston, and all the intermediate places.

May use boats, landing places, &c.

SECT. 3. *Be it further enacted*, That the said William and Richard may make application to any justice of the peace in the county of Suffolk, to call a meeting of proprietors, to be holden at some convenient place in the city of Boston ; and such justice is thereupon empowered to issue his warrant, directing the said William and Richard, or either of them, to warn said proprietors to meet at such time and place as the said justice may direct, to agree on such mode of calling future meetings as such proprietors may see fit ; and to do and transact all such other business relating to said corporation as said warrant may express. And the said proprietors, at such meeting, or at any future legal meeting, may choose a president, clerk, and any other officers of such corporation, which they may deem expedient and proper, for the ordering and regulating the business and affairs of said corporation ; and every proprietor shall have a right to vote in a proprietary meeting, according to the number of shares by him held, either personally or by representation.

First meeting.

Choice of officers.

SECT. 4. *Be it further enacted*, That the said corporation be and the same is hereby authorized and empowered to purchase, and to hold to them and their successors, so much personal estate, consisting of boats, tackle, apparel, engines, and implements, as may be necessary for the transportation aforesaid ; and so much of real estate as may be necessary for landing places and store-houses : *provided*, the whole amount of property, real and personal, shall not exceed fifty thousand dollars, nor comprehend more than twenty acres of land, and not more than two of which shall lie in Boston ; and all property held by said corporation may be divided into any number of shares, which said corporation may see fit, not less than one hundred, and not exceeding five hundred shares.

Real and personal estate.

Proviso.

Shares.

SECT. 5. *Be it further enacted*, That all the real estate held by said corporation within any town or city, shall be liable to taxation in such town or city, as other real estate is therein, or may be liable to be taxed ; and that in any action which may be brought, or in any judgment which may be rendered against said corporation, the plaintiff, or adverse party, not being able to find sufficient property of said corporation to attach on mesne process, or whereon to levy his execution, shall have the right of attaching on mesne process, and of levying his execution upon any of the property of any of the individuals, members of the

Real estate liable to taxation.

Property of members may be attached.

said corporation, in the same manner as though the action had been brought, and the judgment rendered against them in their private and individual capacity.

Limitation of
charter.

SECT. 6. *Be it further enacted*, That this corporation shall exist and continue so long as the Middlesex Canal shall be kept open and in operation, and no longer.

Warning of
first meeting

SECT. 7. *Be it further enacted*, That the proprietor who may be empowered to warn the proprietors aforesaid of the first meeting, herein before provided for, shall give notice thereof, by publishing such warrant as may be to him directed for such purposes, in one or more of the newspapers printed in Boston, together with notice in conformity thereto, and shall make return thereof, under his hand, to the first meeting, to be recorded in the book of the corporation; the said publication to be made ten days before the day appointed for such meeting. [Feb. 11, 1823.]

Chap 111.

An Act to incorporate the Mercantile Marine Insurance Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Marston Watson, Charles C. Parsons, Samuel Fales, Thomas Welsh, Junior, and John Odin, all of Boston, with their associates, successors and assigns, be, and they hereby are incorporated into a company, and body politic, by the name of the Mercantile Marine Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years, after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Powers and lia-
bilities.

1817 ch. 120.

1819 ch. 141.

Limitation of
charter.

Real and per-
sonal estate.

Capital stock.

Shares.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within sixty days after the first meeting of the said company, and the residue, to be paid, in money also, one half thereof in six months, and one half thereof in twelve months, after said first meeting, under such penalties as the president and directors shall, in their discretion, direct

and appoint : *provided, however*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in. Proviso.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by eleven directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders, and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day, and at such place in the city of Boston, as a majority of the directors, for the time being, shall appoint ; of which election, public notice shall be given in two newspapers, printed in the city of Boston, and continued for the space of ten days, immediately preceding such election ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. Number of directors.

And if, through any unavoidable accident, the said directors shall not be chosen on the second Monday of March as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed. Election of directors.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet so soon as may be, after every election, and shall choose out of their body, one person to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year. And in case of the death, resignation, or inability to serve, of the president or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors. Votes.

SECT. 5. *Be it further enacted*, That the president and five of the directors, or six directors in the absence of the president, shall be a board competent for the transaction of business, and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, and the transfer of the shares ; and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance ; and also shall have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet : *provided*, such by-laws and regulations shall Choice of president.

By-laws.

Clerks and their salaries.

not be repugnant to the constitution and laws of this Commonwealth.

First meeting. SECT. 6. *Be it further enacted*, that any three or more of the persons named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Boston, by advertising the same for two successive weeks, in two of the newspapers printed in Boston, for the purpose of electing the first board of directors, who shall continue in office until the second Monday of March, in the year of our Lord then next ensuing.

Conditions of this charter. SECT. 7. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred ; but shall be holden by the original subscribers thereto, for and during the term of one year after this charter shall be put into operation as aforesaid; and in case the same shall not be put into operation, according to the provisions thereof, within one year from the passing of this act, it shall be null and void.

Limitation of risks. SECT. 8. *Be it further enacted*, That the said company shall never take on any one risk or loan on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

Location. SECT. 9. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

May be taxed. SECT. 10. *Be it further enacted*, That the said Mercantile Marine Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 11, 1823.]

Chap 112.

An ACT incorporating the Worcester Mutual Fire Insurance Company.

Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Aaron Tufts, Nathaniel Jones, Salem Town, Junior, John Shepley, Jonas Sibley, Rufus Bullock, James Humphreys, Benjamin Adams, Stephen P. Gardner, Jacob Fisher, Levi Lincoln, Bezaleel Taft, Junior, Abraham Lincoln, Calvin Ammidown, Charles Parkman, Gideon Delano, Dexter Fay, John Hobart, and their associates, being owners of buildings, shall be a corporation, under the name of the Worcester Mutual Fire Insurance Company ; and enjoy all [the] privileges and powers incident to such corporations, for twenty-eight years, from and after the passing of this act.

Powers and privileges. SECT. 2. *Be it further enacted*, That, for the well ordering and governing the affairs of the said corporation, they shall have power to choose a president, treasurer and directors, to manage the concerns of the said corporation, and such other officers as they may deem necessary : *provided, nevertheless*, that no policy of insurance shall be made by said corporation, until the sum subscribed by the associates to be insured shall amount to two hundred thousand dollars ; and at all such meetings of said cor-

Limitation of charter.

Officers to be chosen.

poration, every matter shall be decided by a majority of votes, Votes. each member having as many votes as he has policies, with the right of voting by proxy.

SECT. 3. *Be it further enacted*, That the said corporation may, as soon as the said two hundred thousand dollars shall be subscribed to be insured, and they are hereby authorized to insure for the term of from one to seven years, any mansion house, or other building within the county of Worcester, against damage arising to the same by fire, originating in any cause except that of design in the insured, and to any amount, not exceeding three fourths of the value of any building ; and in case any member shall sustain damage by fire over and above the then existing funds of the said corporation, the directors may assess such further sum or sums upon each member, as may be in proportion to the sum by him insured, and the rate of hazard originally agreed upon : *provided, nevertheless*, that no member, during the term Limitation of risks. Proviso. of seven years, shall be held to pay, by way of assessment, more than two dollars for each dollar by him advanced as premium and deposite.

SECT. 4. *Be it further enacted*, 'That the monies advanced by each person insured, shall, within sixty days after such advancement, be vested in the stock of some incorporate [*incorporated*] bank, stocks of the United States, or notes and bonds secured by mortgages, at the discretion of the president and directors ; and the proceeds of the same shall be appropriated and applied to pay the damages or loss that any member may sustain by fire, and to defray the expenses of the corporation ; and each of the insured shall, at the expiration of his policy or policies have a right to demand and receive from the corporation, his share of the remaining funds, in proportion to the sum or sums, by him actually paid. Investment of monies.

SECT. 5. *Be it further enacted*, That when any member of the said corporation so insured, shall sustain any loss for which the same corporation shall be held to indemnify him, and he shall recover judgment therefor, against it, he shall have a right to levy his execution issued on such judgment, on any of the funds of the said corporation ; and when he shall not find sufficient funds of the said corporation to satisfy the same, and all costs thereon, and the said directors shall neglect, or refuse, for the space of thirty days from rendering such judgment, to make an assessment agreeably to the principles herein expressed, and deliver the same to the treasurer of said corporation, and direct him to collect the same, in such manner as the said corporation may point out, to satisfy such execution as far as the said funds and assessments may extend, then, and in that case, it shall be lawful for such judgment creditor to levy or extend his said execution on the private property of any of the said directors, to the amount of the damage and costs he shall be entitled to recover and receive, on such execution ; and any director, whose estate, real or personal, shall be so taken, may recover compensation therefor, by an action of the case against the said corporation. Payment of losses. Property of directors may be attached, on unsatisfied execution.

Actions may be brought against the corporation, for loss by fire.

SECT. 6. *Be it further enacted*, That whenever any person shall sustain any loss of property by fire so insured, he shall, within sixty days next after, give notice of the same, to such of the directors as shall be agreed upon by the said corporation for that purpose, whose duty it shall be immediately to view where the fire happened, and to inquire into the circumstances attending the same, and determine, in writing, under their hands, the amount (if any) of the said corporation's liability for such loss ; and if the sufferer shall not acquiesce in their determination, he or she, within thirty days next after such determination be made known by said directors, may bring an action at law against said corporation, for such loss, before any court of competent jurisdiction, within the said county of Worcester. And in case the sufferer shall not by verdict of a jury recover more than the damage determined on by the directors as aforesaid, the plaintiff in such action shall have judgment upon the verdict, but the corporation shall recover their costs, and execution shall issue for the balance in favor of the party entitled to recover it.

Assessments.

SECT. 7. *Be it further enacted*, That so soon as the amount of the corporation's liability shall be ascertained in either of the ways mentioned in this act, (and the funds on hand not being sufficient,) the said directors shall make an assessment upon the members of the said corporation, agreeably to the principles of this act, and deliver the same to the treasurer of the said corporation to collect. And the said corporation shall have power to make such by-laws, rules, and regulations, for the due management of the concerns thereof, as may be thought proper, not repugnant to the constitution and laws of this Commonwealth.

By-laws.

First meeting.

SECT. 8. *Be it further enacted*, That any two of the persons herein named, are hereby authorized to call a meeting of the members of said corporation, at such time and place as they shall think fit, by advertising the same in the newspapers printed at Worcester, fourteen days at least, previous to said meeting.

Liability to taxation.

SECT. 9. *Be it further enacted*, That the said Worcester Mutual Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 11, 1823.] Add. act, 1823 ch. 125.

Chap 113.

An Act to incorporate the Springfield Fire Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonathan Dwight, Justin Ely, George Bliss, Daniel Bontecou, Oliver B. Morris, John Hooker, Moses Bliss, Jonathan Dwight, Junior, and Edmund Dwight, their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Springfield Fire Insurance Company, for and during the term of twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and have a common seal, which

Powers and privileges.

they may alter at pleasure ; and may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, they shall not hold real estate exceeding the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for debts due to said company.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days from the first meeting of said company, and the residue in one year from and after the first meeting of said company.

Capital stock.

Shares.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by seven directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer ; and shall, at the time of their election, be stockholders of said company, and citizens of this Commonwealth, and shall be elected annually on the first Monday of May, at such time of the day, and at such place within

Directors.

the town of Springfield, as a majority of the directors for the time being shall appoint ; of which election public notice shall be given, in any newspaper printed in said town, for the space of ten days immediately preceding such election ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, no stockholder shall be allowed more than

Election of directors.

ten votes : and the stockholders not present may vote by proxy, under such regulations as the company shall prescribe ; and if, through any accident, the directors should not be chosen as aforesaid, it shall be lawful to choose them in manner aforesaid, on any other day.

Votes.

SECT. 4. *Be it further enacted*, That the directors so chosen, shall meet as soon as may be, after every election, and shall choose out of their number, one person to be president, who shall be sworn faithfully to discharge the duties of his office, during the period for which he is elected ; and in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy, or vacancies, shall be filled for the remainder of the year in which they happen, by a special election, to be notified and held as is herein before directed, in the case of annual elections.

Choice of president.

SECT. 5. *Be it further enacted*, That the president and three of the directors, or four of the directors in the absence of the president, shall be a board competent for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, in respect to the management and disposition of the stock and property of said company, and the transfer of shares therein, and the powers, duties and conduct of the several officers, clerks and servants employed in the service

By-laws.

- of the company, and the election of directors, and the making of policies, and all such matters as appertain to the business of insurance: *provided*, such by-laws, rules and regulations be not repugnant to the laws or constitution of the United States or this Commonwealth. And they shall also have power to appoint a treasurer, secretary, and so many clerks and servants as shall be needful, with such compensation to them, severally, and to the president, as to them shall seem fit; and they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings against damage to the same by fire, originating in any cause, except design in the assured, for such time, and on such conditions, as the parties may agree to: *provided*, that the said company shall not insure, on any one risk, more than ten per centum on the amount of the capital stock paid in; and all policies of insurance by them made, shall be subscribed by the president, or two of the directors, and countersigned by the secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of said company; and all losses duly arising under policies so subscribed, may be adjusted and settled by the president and board of directors, or such agent as they shall authorize; and such adjustment shall be binding on said company.
- SECT. 6.** *Be it further enacted*, That the said company shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatever.
- SECT. 7.** *Be it further enacted*, That once in three years, and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends; and the said company shall, when and as often as required by the Legislature of this Commonwealth, lay before the Legislature a statement of the affairs of said company, and submit to an examination concerning the same, under oath.
- SECT. 8.** *Be it further enacted*, That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of the said company, and the president or directors, after knowing of such loss or losses taking place, shall subscribe to any policy of assurance, their estate, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed; and the said president and directors shall cause to be printed or written, on every policy they shall make, the amount of the capital stock, and the largest sum they take on a risk.
- SECT. 9.** *Be it further enacted*, That it shall be the duty of the directors, on the first Monday of May and October, in every year, to make dividends of so much of the interest arising from the capital stock, and of the profits of the said company, as to them shall appear advisable; but the monies received, and notes taken for premiums of risks which shall be undetermined and outstanding at the time of making such dividends, shall not

Proviso.

Directors may
appoint treasurer,
&c.

Shall not trade
in goods, &c.

Statement of
profits.

Statement of
affairs to be
laid before the
Legislature,
when required.

Directors' prop-
erty account-
able for losses, in
certain cases.

Dividends.

be considered as parts of the profits of said company ; and in case of any loss whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital.

SECT. 10. *Be it further enacted*, That any three of the persons named in the first section of this act, are hereby authorized to call a meeting of the said company in Springfield, by advertising the same, for the purpose of electing the first board of directors, who shall hold their offices until another board shall be chosen. First meeting.

SECT. 11. *Be it further enacted*, That no transfer of stock in the incorporation shall take place within one year from the passing of this act ; and that if the provisions of this act shall not be complied with in one year from the first meeting, then the same shall be void. Conditions of charter.

SECT. 12. *Be it further enacted*, That the said company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [*Feb. 11, 1823.*] May be taxed.

An ACT to incorporate the Boston Insurance Company.

Chap 114.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lemuel Pope, Junior, William H. Boardman, James Perkins, John Bellows, and James Freeman, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Boston Insurance Company ; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years, after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure ; and may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company. Persons incorporated.

1817 ch. 120.
Powers and liabilities.

1819 ch. 141.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within sixty days after the first meeting of the said company, and the residue to be paid, in money also, one half thereof in six months, and one half thereof Capital stock.

[Capital increased 1833, ch. 175.]

in twelve months, after said first meeting, under such penalties as the president and directors shall, in their discretion, direct and appoint : *provided, however*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Directors. SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders, and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day, and in such place in the city of Boston, as a majority of the directors, for the time being, shall appoint ; of which election, public notice shall be given in two newspapers printed in the city of Boston, and continued for the space of ten days immediately preceding such election ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors shall not be chosen on the second Monday in March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Election of directors.

Votes.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year ; and in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

Choice of president.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent for the transaction of business, and all questions before them, shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, and the transfer of the shares ; and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance ; and also shall have power to appoint a secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them and to the president, as to the

Board of directors.

By-laws.

Secretary, &c. to be appointed.

said board shall seem meet : *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted*, That any three or more persons named in this act of incorporation are hereby authorized to call a meeting of the said company as soon as may be, in Boston, by advertising the same, for two successive weeks, in two newspapers printed in Boston, for the purpose of electing the first Board of Directors, who shall continue in office until the second Monday of March, in the year of our Lord then next ensuing.

SECT. 7. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, from and during the period of one year after the charter shall be put into operation as aforesaid ; and in case the same shall not be put into operation, according to the provisions thereof, within one year from the passing of this act, it shall be null and void.

SECT. 8. *Be it further enacted*, That the said company shall never take, on any one risk, or loan on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

SECT. 9. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

SECT. 10. *Be it further enacted*, That the said Boston Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 11, 1823.] Add. act, 1833 ch. 175.

AN ACT to incorporate the Bunker Hill Monument Association.

Chap. 1.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Story, Jesse Putnam, Daniel Webster, Edward Everett, Samuel D. Harris, Samuel Swett, Theodore Lyman, Junior, Stephen Gorham, Junior, Thomas H. Perkins, William Tudor, Henry A. S. Dearborn, Benjamin Gorham, Franklin Dexter, William Sullivan, George Ticknor, Charles R. Codman, Warren Dutton, Isaac P. Davis, Thomas Harris, Seth Knowles, Benjamin Welles, John C. Warren, George Blake, and Francis C. Gray, their associates and successors, be, and they are hereby made a body politic and corporate, by the name of the Bunker Hill Monument Association ; with all the powers, and subject to all the duties of aggregate corporations, and for the purposes hereinafter named.

SECT. 2. *Be it further enacted*, That said corporation shall have power to take and hold, by gift, grant or devise, such real and personal estate and property, as may be necessary or convenient to promote the object of the incorporation, the construction of a monument in Charlestown, to perpetuate the memory of the early events of the American revolution.

First meeting. SECT. 3. *Be it further enacted*, That the said Henry A. S. Dearborn, William Tudor, and Theodore Lyman, Junior, or any two of them may call the first meeting of said corporation, by giving three days previous notice thereof in two public newspapers printed in Boston; at which, or at any subsequent meeting, the said corporation may choose such officers, agents and trustees as they may think proper, and establish such by-laws and regulations for their own government and the management of their concerns, not repugnant to the laws and constitution of this Commonwealth, as they may deem necessary; and the same may modify and annul at pleasure.

By-laws. SECT. 4. *Be it further enacted*, That said corporation may, at any time, after said monument shall be completed, assign and transfer the same, with the land on which it stands, and the appurtenances, to the Commonwealth, and that the Commonwealth will accept the same: *provided*, that the Commonwealth shall not thereby become liable for debts contracted by said corporation. [June 7, 1823.]

Monument may be transferred to the State.

Chap. 2.

1821 ch. 110.
1822 ch. 107.

An ACT concerning Surveyors of Highways in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the city council of the city of Boston shall have the power and authority of electing, if they see fit, the mayor and aldermen of said city, surveyors of highways for said city, any thing in the act establishing the city of Boston to the contrary notwithstanding. [June 10, 1823.]

Chap. 3.

An ACT to incorporate the Canal Manufacturing Company.

Persons incorporated.

Powers and duties.

1830 ch. 65.

Capital and real estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Patrick T. Jackson and David Moody, their successors and assigns, be, and they are hereby incorporated, by the name of the Canal Manufacturing Company, for the purpose of making machinery, and manufacturing cotton, iron and wool, in the town of Chelmsford, with all the powers and privileges, and subject to all the duties and requirements prescribed in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord, one thousand eight hundred and nine, and the several acts in addition thereto; and said corporation may take and hold real and personal estate to the amount of six hundred thousand dollars, their real estate not to exceed fifty thousand dollars, exclusive of the improvements to be made thereon. [June 10, 1823.]

Chap. 4.

1793 ch. 55.
(v. 1, p. 505.)
1798 ch. 31.
(v. 2, p. 253.)
1817 ch. 101.

An ACT to authorize the Trustees of the Baptist Education Fund to divide the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Trustees of the Baptist Education Fund be, and they hereby are authorized to pay over and deliver one moiety of all the property in their hands, belonging to said fund, to the Education Society of the Warren Baptist Association, and the other moiety

thereof to the Massachusetts baptist education society : *provided, however*, that the whole of said property shall always be appropriated to the objects for which it was originally designed. [June 10, 1823.]

An Act in addition to an Act, entitled "An Act to incorporate the Proprietors of the Charlestown Bleachery."

Chap. 5.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said corporation be, and the same hereby is further authorized and empowered to manufacture and print cotton and other goods, continuing subject, however, to all the duties and requirements prescribed in the original act of incorporation.

1821 ch. 28.

Powers enlarged.

SECT. 2. *Be it further enacted*, That the said corporation shall be authorized to increase their capital, in a sum not exceeding in amount the sum of thirty thousand dollars. [June 10, 1823.] Add. act, 1824 ch. 85.

Increase of capital.

An Act to incorporate the Leicester Manufacturing Company.

Chap. 6.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Anderton, Richard C. Cabot, Edmund Baylies and Phillips Payson, with their associates, successors and assigns, be, and they hereby are incorporated, by the name of the Leicester Manufacturing Company, for the purpose of manufacturing woollen cloths in the town of Leicester ; and shall have all the powers and privileges and be subject to all the duties and requirements prescribed and contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and also the several acts supplementary thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 63.

SECT. 2. *Be it further enacted*, That the said Leicester manufacturing company, in their corporate capacity, may hold and possess such real and personal estate as may be necessary or convenient for carrying on the manufactures aforesaid ; provided the value of the same shall not exceed the sum of one hundred and fifty thousand dollars. [June 12, 1823.]

Real and personal estate.

An Act in addition to an Act, entitled "An Act to incorporate the Linen and Duck Manufacturing Company."

Chap. 7.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph R. Newhall be authorized to call a meeting of the Stockholders and Proprietors of the Linen and Duck Manufacturing Company at such time and place within the town of Boston as he may think proper, by giving personal notice to said stockholders and proprietors four days before said meeting.

1813 ch. 151.

Meeting, how called.

SECT. 2. *Be it further enacted*, That at such meeting said proprietors and stockholders may proceed to organize their corporation, to choose officers, make by-laws, and do all acts and things, that grantees of a charter of incorporation may usually, by law, do at their first meeting, and not repugnant to the laws and constitution of this Commonwealth. And all acts, matters and

Corporation re-organized.

things done at said meeting, and afterwards, upon the reorganization, shall be legal and binding to all intents and purposes, in the same manner that they would have been if said corporation had been originally, and ever afterwards had kept legally organized and in operation. [June 12, 1823.]

Chap. 8.

An Act in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Exchange Bank."

1822 ch. 55.

Increase of capital stock.

[Capital reduced 1829 ch. 82.]

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Exchange Bank, be, and hereby are authorized and empowered to increase their present capital stock, by an addition of one hundred thousand dollars thereto, which shall be paid, in such instalments and at such times, as the president and directors of said bank may direct and determine: *provided, however*, that the whole amount shall be paid in, on or before the twentieth day of February next.

Conditions.

SECT. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions as the present capital stock of said corporation is now holden, by virtue of the act to which this is in addition. [June 12, 1823.] Add. act, 1829 ch. 82.

Chap. 9.

An Act to incorporate the Trustees of the Ministerial Fund of the First Congregational Society in Wendell.

Persons incorporated.

Powers and privileges.

Trustees may take and hold funds.

Provisos.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joshua Green, Clark Stone, Samuel Brewer, Josiah Richardson, John Andrews, Lewis Stone, and Daniel Rogers, all inhabitants of Wendell, be and they are hereby constituted and made a body politic and corporate, by the name of "The Trustees of the Ministerial Fund of the First Congregational Society in Wendell," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, may have a common seal, and shall possess and enjoy such other powers and privileges as are incident to corporations of a like nature.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to take and receive into their hands and possession, all money, notes, bonds, or other securities now constituting the fund of said congregational society, and may receive and hold such further subscriptions, donations, grants, bequests and devises as may hereafter be made to increase said fund, and the same to manage and put on interest, and to apply the income and interest thereof, annually, for the support of the minister of said society forever: *provided, however*, the annual income of said fund shall not exceed one thousand dollars; and if at any time the income of said fund shall exceed the amount of the annual salary of the minister, the surplus may be applied to the increasing the said fund, or appropriated under a vote of the society to the promotion and encouragement of sacred music, or other pa-

rochial expenses. *And provided, also,* that no appropriation of any gift, grant, or donation shall ever be made contrary to the express intention and direction of the donor.

SECT. 3. *Be it further enacted,* That the number of trustees shall never be more than seven nor less than five ; and in all cases the attendance of a majority of the board of trustees shall be requisite for the transaction of business ; and they shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise from the inhabitants of said society : *provided, however,* that the said congregational society, at any legal meeting thereof, may remove any member of said board of trustees, who, through age, infirmity, misconduct or other cause, shall become unfit or incapable of discharging his duty.

Number of trustees.

Proviso.

SECT. 4. *Be it further enacted,* That the said trustees may appoint all such officers as may be necessary for the management of their affairs, and may make, adopt and execute all reasonable by-laws and regulations that may be necessary and proper for the government of the said corporation, and not repugnant to the constitution and laws of this Commonwealth ; and they shall never receive any compensation for their services in managing the affairs of said corporation, other than what shall be allowed by the society at their annual meeting.

Appointment of officers and by-laws.

SECT. 5. *Be it further enacted,* That the records and proceedings of the said trustees, shall at all times be open to the inspection of any committee that may be appointed for that purpose, on behalf of the said society ; and the said trustees shall, whenever called upon by a vote of said society, make a report of the state of the fund : And if said trustees, or either of them shall suffer the said fund to be impaired or diminished, through their personal misconduct or misapplication, they shall be severally liable and responsible to the said society to make good such loss out of their private estate.

Records and proceedings.

Responsibility of trustees.

SECT. 6. *Be it further enacted,* That the Hon. Joshua Green be, and he hereby is authorized to call the first meeting of said trustees. [June 12, 1823.]

First meeting.

AN ACT to incorporate the Trustees of the Ministerial Fund of the Baptist Religious Society in Haverhill.

Chap. 10.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David How, James H. Duncan, Leonard White, Jonathan K. Smith, Charles White, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund of the Baptist Religious Society in Haverhill ; and they and their successors shall be and continue a body politic and corporate by that name forever ; and may have a common seal, and may sue and be sued, in all actions, real, personal and mixed ; and may prosecute and defend the same to final judgment and execution by the name aforesaid ; and their deed, sealed with their common seal, subscribed by a majority of said trustees, and duly acknowledged, shall be valid in law.

Persons incorporated.

Powers and privileges.

Number and duties of the trustees.

SECT. 2. *Be it further enacted*, That the number of said trustees shall never be more than seven nor less than five, a majority of whom shall be a quorum for transacting business, and they shall have power to remove any one of their number, who, from age, infirmity or misconduct, shall become disqualified to discharge the duties of a trustee ; and any trustee shall be deemed to have vacated his office, who shall cease to be a member of said society ; and the vacancy so made, and all vacancies which may happen by death, resignation or otherwise, shall be filled by the members of the Baptist Religious Society in Haverhill, at a legal meeting duly warned for that purpose, by ballot from the members of said society ; and any donor to said fund, to an amount not less than one thousand dollars, shall have the right of appointing one trustee, by certifying such appointment to said society at their annual meeting, which trustee shall succeed to the first vacancy in the board.

Clerk and treasurer.

SECT. 3. *Be it further enacted*, That the said trustees shall meet annually in March or April, and at such other times as may be necessary to transact their business ; and at all meetings the senior member present shall preside ; and they shall, at their annual meeting, elect from their number a clerk, who shall be sworn to the faithful performance of his duties, and a treasurer, who shall give bond with sufficient sureties, to the acceptance of the trustees, faithfully to do and perform all the duties of his office.

Power to hold property.

SECT. 4. *Be it further enacted*, That the said trustees and their successors be, and they are hereby empowered to take, receive and hold all lands, goods or monies or the interest or income of them, which have been, or may hereafter be given, contributed, devised or bequeathed to them or to the said Baptist Religious Society in Haverhill, for the support of the gospel ministry in said society, or for any other laudable or pious uses connected with said society : *provided*, that the annual income of their funds shall never exceed the sum of fifteen hundred dollars ; and said trustees and their successors or the major part of them shall have power to sell and convey all such real estate as they may become seized of, when duly authorized by said society, at a legal meeting warned for that purpose ; and all sums of money which said trustees shall receive, pursuant to this act, shall be loaned upon interest and secured by mortgage of land to twice the amount of the sum loaned, or by sufficient sureties with the principal, or invested in public funded securities or bank stock, as they may judge expedient.

Application of funds.

SECT. 5. *Be it further enacted*, That the interest or income of said fund, shall be appropriated and applied to the support of a settled ordained gospel minister in said society of the particular baptist sentiments, and shall be annually paid over to the society's treasurer for that purpose : *provided, however*, that no part of the annual interest shall be expended, but shall be added to the principal, until the fund amounts to the sum of two thousand dollars ; and not more than two thirds of the annual in-

Proviso.

terest shall be expended, until the fund amounts to the sum of three thousand dollars ; and whenever said society shall be destitute of a settled minister, no part of the interest of said fund shall be expended, but shall be added to the principal ; and whatever is once added to the principal, shall be considered as principal ; and provided that in all cases in which the donors, or testators shall limit and appoint the uses and appropriation of the money or other property, or the interest or income thereof, by them respectively given or bequeathed, it shall be the duty of said Trustees to use and appropriate the same agreeably to the intention and appointment of said donors or testators ; and it shall never be in the power of said trustees, or of said society, to alter or change the appropriation of said fund, or alienate the same, or expend any portion of the principal thereof.

SECT. 6. *Be it further enacted*, That it shall be the duty of said trustees to manage the said fund with care and vigilance, so as best to promote the design thereof, and to report annually to said society, at their annual meeting, or to a select committee, if the society choose one for that purpose, the state of the fund, what property they hold, and how the same is vested or secured, and the receipts and expenditures of the preceding year. Their clerk shall record all votes and doings of the trustees in relation to the fund, and certify the same, and shall notify meetings of said trustees when required by any two of them. The treasurer shall record and keep an accurate statement of the funds and estate in his hands, and the nature and amount of every donation or bequest, the time when made, the design thereof, and the donor's or testator's name and place of abode at large, with such other circumstances as said trustees may think proper ; and shall pay over promptly to the society's treasurer, the interest or income appropriated to the support of a minister when duly required ; and the said trustees shall be severally and individually liable to said society, in a special action on the case, for any violation of the provisions of this act, or for any negligence or misconduct in their respective offices, and the damages recovered shall be for the benefit of said fund.

Duties of clerk
and treasurer.

Responsibility
of trustees.

SECT. 7. *Be it further enacted*, That the said trustees shall receive no compensation for their services, excepting such as may be voted them by said society, at a legal meeting ; and David How, Esquire, is hereby authorized to fix the time and place of holding the first meeting, and to notify the trustees of the same.
[June 12, 1823.]

Compensation
of trustees.

An Act to incorporate the Elliot Manufacturing Company.

Chap. 11.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Frederick Cabot, Samuel Cabot, and James Perkins, their associates, successors, and assigns be, and they hereby are made a corporation, by the name of the Elliot Manufacturing Company, for the purpose of manufacturing cotton goods at Newton, in the county of Middlesex ; and for this purpose, shall

Persons incor-
porated.

Powers and
privileges.

1808 ch. 65.

Real and per-
sonal estate.

have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding thirty thousand dollars in value, exclusive of buildings and improvements that may be made thereon by the said corporation, and of such personal estate, not exceeding three hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture aforesaid. [June 12, 1823.]

Chap. 12.

AN ACT to cede to the United States the jurisdiction of a site for a Light-House on Monamoy Point.

Cession.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and hereby is granted to the United States to purchase a tract of land, not exceeding four acres, which shall be found necessary for the light-house, authorized by Congress to be built on Monamoy Point, in the county of Barnstable; and may hold the same during the continuance of the use and appropriation aforesaid: *provided*, that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or any building which may be erected thereon, in the same way and manner as though this consent had not been granted as aforesaid. [June 12, 1823.]

Chap. 14.

AN ACT in addition to the Act, entitled, "An Act to incorporate the Union Marine Insurance Company," and the several acts in addition thereto.

1803 ch. 92.
(v. 3. p. 333.)
1804 ch. 49.
(v. 3. p. 485.)
1810 ch. 47.
1816 ch. 59.

Charter ex-
tended.

1817 ch. 120.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act entitled "an act to incorporate Jonathan Mason and others, into a company, by the name of the Union Marine Insurance Company," passed on the twenty-ninth day of February, in the year of our Lord one thousand eight hundred and four, and an act in addition thereto, passed on the fourth day of February, one thousand eight hundred and five, also an act in further addition thereto, passed on the fourth day of December, one thousand eight hundred and sixteen, shall be and remain in force for the term of twenty years, from and after the twenty-ninth day of February, in the year of our Lord one thousand eight hundred and twenty-four, with all the powers and privileges granted by an act entitled "an act to define the powers, duties, and restrictions of insurance companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen: *provided, however*, that said corporation shall be subject to all the duties and requirements prescribed and con-

tained in the said act, entitled “an act to define the powers, duties, and restrictions of insurance companies,” and that the said Union Marine Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [June 12, 1823.] Add. act, 1830, ch. 3.

An ACT in addition to an Act, entitled “An Act to incorporate the Proprietors of Museum Hall, in the town of Boston.”

Chap. 15.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the name of the Proprietors of the Museum Hall shall be changed, and the said corporation shall assume, and ever after bear the name of the Fifty Associates.

1819 ch. 133.

Name changed to Fifty Associates.

SECT. 2. *Be it further enacted,* That the said corporation may, at any time when they deem it expedient, increase their present number of shares by a number not exceeding four hundred, and that said four hundred shares shall be held as the common property of the corporation, until they shall be either divided among the said fifty associates, *pro rata*, according to the number of shares which said associates may at the time possess, or sold, or otherwise disposed of, in such manner as said associates may hereafter determine.

Power to increase shares.

SECT. 3. *Be it further enacted,* That the said corporation is hereby declared and made capable to have, hold, and possess real, leasehold, or other estate, without and beyond their present described limits, with full power to build, improve, alter, pull down, and rebuild, and to manage, exchange, and dispose of the same, according to the general powers heretofore granted to said corporation: *provided, always,* that the provisions hereafter enacted for the purchase of said real estate, shall never be exceeded.

Real estate.

Proviso.

SECT. 4. *Be it further enacted,* That when a purchase of real estate is to be made, such an assessment as may be deemed necessary for said purchase, may be laid on the above mentioned shares: *provided, always,* that the amount of all the assessments taken together, on said shares, shall never exceed the sum of two hundred dollars on each share. [June 12, 1823.]

Assessments.

Proviso.

An ACT to incorporate certain persons by the name of the Proprietors of Brookline Classical School.

Chap. 16.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Pierce, Richard Sullivan, Elisha Penniman, Henry Coleman, Henry A. S. Dearborn, Henry Oxnard, Charles Tappan, Lewis Tappan, John Tappan, William R. Lee, John Robinson, Oliver Whyte, Elijah Corey, Timothy Corey, Thomas Griggs, Samuel Craft, David S. Greenough, Junior, Joseph Sewall, Ebenezer Crafts, James Leeds, Ebenezer Francis, Ebenezer Heath, Augustus Aspinwall, and Charles Wild, and their associates and successors be, and they hereby are made a body politic and corporate, by the name of the Proprietors of Brookline Classical School; and by that name may sue and be

Persons incorporated.

sued in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution, and by that name shall be and continue a body politic forever.

Election of officers and by-laws.

SECT. 2. *Be it further enacted*, That said corporation shall have full power to elect from time to time such officers as it may determine to be necessary and convenient for the management of its concerns, to ascertain their duties and fix the tenure of their offices : and to ordain and establish rules, orders and by-laws not regugnant to the laws of this Commonwealth, for the regulation and government of said school.

Amount of estate to be holden.

SECT. 3. *Be it further enacted*, That said corporation may be lawfully seized and possessed of real estate, the annual income of which shall not exceed two thousand dollars, and of personal estate, the annual income of which shall not exceed five thousand dollars.

Shares.

SECT. 4. *Be it further enacted*, That the property of said corporation shall be divided into such number of shares as the corporation shall, at its first or any subsequent meeting, determine ; that the shares shall be numbered in progressive order, and every proprietor shall have a certificate under the seal of the corporation, signed by the president, and countersigned by the secretary, certifying his property in such share ; and any share may be alienated by the proprietor, by deed under his hand and seal, acknowledged before a justice of the peace, and recorded by the clerk, in a book to be kept for that purpose : each share shall entitle the proprietor thereof to one vote at the corporation meetings.

Assessments on shares.

SECT. 5. *Be it further enacted*, That the said corporation may, from time to time, at any legal meeting, assess upon each share such sum or sums of money as shall be judged by the said corporation necessary for the building a school-house, keeping the same in repair, and making such additions thereto, and improvements as the said corporation may from time to time deem expedient. And if the sum assessed on any share shall be in arrear and unpaid for ten days after the same shall be due, the treasurer shall have full power and authority to sell such share at public auction to the highest bidder, the time and place of such sale being made public at least five days before such sale, in such manner as the corporation shall have before directed, by some uniform rule or by-law made for that purpose : and the treasurer shall deduct from the purchase money so much of the said assessment as shall be in arrear, and the reasonable charges of sale, and the residue he shall pay to the delinquent proprietor.

Shares of delinquents may be sold.

Common seal.

SECT. 6. *Be it further enacted*, That the said corporation may have a common seal, and the same may alter at pleasure.

First meeting.

SECT. 7. *Be it further enacted*, That the Reverend John Pierce be, and he hereby is authorized and empowered to call the first meeting of said corporation, and to fix the time and place for holding the same, giving to each proprietor named in this act a written notice thereof. [June 13, 1823.]

An Act in addition to an Act, entitled "An Act to incorporate the Merrimac Manufacturing Company."

Chap. 17.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Merrimac Manufacturing Company be, and they are hereby authorized to increase its capital stock by adding thereto the sum of six hundred thousand dollars, or any smaller sum, and may purchase therewith real estate, not however exceeding in value one quarter of the sum hereby permitted to be added, exclusive of buildings and improvements made by said corporation. [June 13, 1823.]

1821 ch. 46.

Increase of capital stock.

An Act to incorporate the Boylston Medical Society of Harvard University.

Chap. 18.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Enoch Hale, Junior, Zabdiel Boylston Adams, John Ware, John Phillips Spooner, and David W. Gorham, together with such other persons as now are or hereafter may be associated with them, be, and they hereby are incorporated into a society by the name of the Boylston Medical Society of Harvard University, for the purpose of promoting emulation and inquiry among the students at the Medical School connected with Harvard University, and others; and by that name shall be a corporation for ever, with power to have a common seal, to sue and be sued, to establish by-laws not repugnant to the constitution and laws of this Commonwealth, to choose a president and such other officers, as may be deemed expedient, and to take and hold any real or personal estate, by gift, grant, purchase, or otherwise, and the same to alien or convey, provided the annual income thereof shall not exceed the sum of five hundred dollars.

Persons incorporated.

Powers and privileges.

Real and personal estate.

SECT. 2. Be it further enacted, That the members of said society shall have power to elect annually, seven trustees, who shall be practising physicians in this Commonwealth, and the Board of trustees shall have the sole management and control of all the permanent funds of said society, but the annual income thereof shall be disposed of in such manner as the society shall direct.

Election of trustees.

SECT. 3. Be it further enacted, That the persons named in this act, or any three of them, shall have power to call the first meeting of said society, at such time and in such manner as they may think proper. [June 13, 1823.]

First Meeting.

An Act to incorporate the Trustees of the Ministerial Fund of the First Parish in Longmeadow.

Chap. 19.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Booth, Calvin Burt, William White, Ethan Ely, and Alexander Field, all inhabitants of the first parish in Longmeadow, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund in the First Parish in Longmeadow; and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, may have a common seal, and shall possess and

Persons incorporated.

Powers and privileges.

enjoy such other powers and privileges as are incident to corporations of a like nature.

May receive and hold funds.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to take and receive into their hands and possession the whole of the funds at present belonging to said parish, and to sell the ministry lands, or any part thereof, belonging to said parish, at such time, and in such manner, as the inhabitants of said parish shall authorize and direct, and to make and execute deeds thereof to the purchasers, and may receive and hold such further subscriptions, donations, grants, bequests, and devises, as may hereafter be made to them, or the inhabitants of said parish; the interest of which fund shall be forever appropriated annually towards the support of such Congregational minister as shall or may from time to time be ordained over the church and society in said first parish: *provided, however*, the annual income of said fund shall not exceed twelve hundred dollars: *and provided, also*, that if the income of said fund shall at any time exceed the amount of the annual salary of the minister, the surplus may be appropriated under a vote of the parish to the promotion and encouragement of church music, and other parochial expenses.

Provisos.

Number of trustees.

SECT. 3. *Be it further enacted*, That the inhabitants of said parish, at any legal meeting to be called for that purpose, within one year from the passing of this act, may increase the number of trustees, by electing by ballot, an additional number, not exceeding two, to those named in this act. And if the said inhabitants shall neglect to make such election, the trustees herein named, are hereby authorized, if they see fit, to choose an additional number of trustees, so that the whole number shall never exceed seven; and in all cases the attendance of a majority of the board of trustees shall be requisite for the transaction of business.

Vacancies, how filled.

SECT. 4. *Be it further enacted*, That whenever any vacancy shall happen among said trustees, by death, resignation, removal, or otherwise, the said parish, at any legal meeting called for that purpose, may fill up the vacancy, but if the parish shall neglect to fill up any such vacancy for the space of three months after it shall happen, the said trustees are authorized to elect some suitable inhabitant of said parish, to fill up the vacancy in their board.

Clerk and treasurer.

SECT. 5. *Be it further enacted*, That the said trustees shall appoint a clerk, who shall be under oath faithfully to record all the votes and transactions of the board, and a treasurer, who shall give bond to the trustees and their successors, with sufficient surety, with condition to do and perform all the duties incumbent on him as treasurer; which officers shall hold their respective offices, until others shall be chosen to succeed them.

Trustees to make report, and be responsible for the fund.

SECT. 6. *Be it further enacted*, That the records and proceedings of the trustees shall, at all times, be open to the inspection of any committee, that may be appointed for that purpose on behalf of the parish, and the trustees shall, whenever called upon by vote of the parish, make a report of the state of the fund. And if the said trustees, or either of them, shall suffer the said

fund to be impaired or diminished through their personal misconduct or misapplication, they shall be severally responsible to the parish, to make good such loss out of their private estate.

SECT. 7. *Be it further enacted*, That David Booth be, and he hereby is authorized to call the first meeting of the trustees. [June 14, 1823.] First meeting.

An ACT for annexing a Gore of land therein described with Abel Wesson and John Wesson, living on the premises, to the town of Grafton.

Chap. 20.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abel Wesson and John Wesson, with the following described Gore of land, be annexed to the town of Grafton, to wit : beginning at the northwest corner of the town of Grafton, on Millbury line, thence on said Millbury line to the northeast corner of said town, thence on the same course, north two degrees west, to Flint's pond, (so called,) thence bounding down said pond to the outlet thereof, thence down the thread of said outlet, until it meets Little Blackstone river, thence down the centre of said river, until it intersects the line of said Grafton, thence on said Grafton line to the first bounds : and that in future, the said Abel and John shall be entitled to all the privileges, and subject to all the duties incident to the inhabitants of said town of Grafton. [June 14, 1823.]

An ACT authorizing the taxing of Pews in the North Meeting-house in Marshfield.

Chap. 26.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the North Parish in Marshfield, in the county of Plymouth, be and hereby are empowered to raise any sum or sums of money, which the members of said parish may hereafter, at any legal meeting, called for the purpose, vote to raise for the repairing and taking care of said meeting-house, and for ringing and tolling the bell, by a tax on the pews in said meeting-house in Marshfield.

Power to raise money for repairs by tax on pews.

SECT. 2. *Be it further enacted*, That, for the equitable apportionment of the taxes to be assessed on said pews, the members of said parish or society shall cause a valuation thereof to be made by a committee, to be chosen by them for that purpose ; and the report of such committee, stating the respective numbers and value of said pews, shall, when accepted and recorded, be binding on all persons interested, for the purpose of taxation as aforesaid.

Valuation of pews by a committee.

SECT. 3. *Be it further enacted*, That the sums voted to be raised on said pews shall, within six months after such vote, be apportioned and assessed thereon, by the assessors of said society for the time being, according to such valuation : *provided, however*, that said society may by vote except from taxation such pews as they may think fit, not exceeding three in number on the lower floor, and as many in the gallery as they may think proper, and instruct said assessors accordingly, who shall omit such pews in the assessments.

Money voted, how and when to be raised.

Notice of assessments.

SECT. 4. *Be it further enacted*, That said assessors shall, as soon as may be, make out a fair and correct list of the taxes assessed on each of said pews, according to this act, and deliver the same to the treasurer of said society; and it shall be the duty of said treasurer to give notice of such taxation and assessment to all concerned, by posting a copy of said list in three public places in said town, at least twenty days before the expiration of the time limited by vote of said society for the payment thereof, and calling on all persons interested therein to pay him the several sums so assessed according to the vote aforesaid.

Payment of assessments.

SECT. 5. *Be it further enacted*, That in case any person, having a right to any pew taxed as aforesaid, as tenant thereof, and notified in manner aforesaid, shall neglect or refuse to pay said tax according to the vote of said society, it shall be the duty of said treasurer, (who shall also be collector,) and he is hereby authorized and empowered to enforce payment thereof by any of the legal means by which payment of ordinary town or parish taxes may be enforced.

Pews may be sold for taxes.

SECT. 6. *Be it further enacted*, That if any person or persons, at present entitled, or who shall hereafter become lawfully entitled to any of said pews, either as owner in fee, or as tenants for a term of time exceeding one year, shall neglect or refuse to pay any tax assessed as aforesaid, after notice thereof as herein above provided, in the manner and within the time prescribed by vote of said society, it shall be the duty of said treasurer, and he is hereby authorized and empowered to sell the pews thus owned or held in tenancy, and all the right and title of such owner or tenant upon which such tax or part thereof shall remain unpaid, at public auction to the highest bidder; and his deed to the purchaser, recorded according to law, shall give to the purchaser all the right, title and interest in such pew, which said former owner or tenant had in and to the same: *provided, however*, that the treasurer aforesaid shall, after the expiration of the time limited by vote of the society for the payment of such tax, give twenty days notice of the time and place of the vendue, by posting advertisements in two public places in said town, stating the number of the pew to be sold, and the tax due upon it; and the remedy provided in this section shall be the only mode of collecting said taxes, in all cases where the owner or tenant has, or shall have a right, as owner or tenant, to any pew so taxed for a term of time exceeding one year.

Proviso.

Adjournment of sales.

SECT. 7. *Be it further enacted*, That if the treasurer shall deem an adjournment of his sales necessary, he may adjourn from time to time, not exceeding seven days at one time, until they be completed; and in all cases he shall pay over to the former owner or tenant, the balance of monies in his hands arising from such sales, after deducting the taxes due, and his own reasonable charges for advertising and selling the same.

Owner may redeem pew sold.

SECT. 8. *Be it further enacted*, That the owner or proprietor of any pew sold as aforesaid, may, at any time before the expiration of six months from the time of said sale, redeem the

same by paying to the purchaser, his heirs or assigns the amount of the purchase money with interest, who shall thereupon reconvey the same to such owner or proprietor, his heirs or assigns. [June 14, 1823.]

An Act to incorporate the North Parish Congregational Funding Society in Wrentham.

Chap. 27.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Caleb Sayles, Daniel Cook, Ebenezer Blake, Claudius D. Hayward, Anson Mann, Duty Sayles, Asa Harding, Joseph Ware, Benjamin Rockwood, David Pond, Metcalf Merrifield, Josiah Coddington, Asa Ware, Josiah Ware, Asa Ware, Junior, Jacob Pond, Darius Ware, Solomon Blake, Stephen Turner, Samuel Pond, Jared Wilson, Enoch Wilson, Amos Ware, George Blinn, Simeon Thompson, Junior, with such as may hereafter be associated with them, be, and they hereby are incorporated into a society, by the name of the North Parish Congregational Funding Society in Wrentham; with power to have a common seal, to sue and be sued, and to make by-laws, rules and regulations for the government of said society: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That said society, at a legal meeting thereof, may have power to choose five trustees, who shall have the management of the prudential affairs of the society, call annual meetings and all other meetings thereof, by causing notifications of the same to be posted by their clerk, at the parish meeting-house, seven days at least before said meetings; a clerk, who shall be sworn by the moderator of the meeting, or some justice of the peace, to the faithful discharge of his duty, and who shall record all the votes of the society, and notify all meetings, when thereunto directed by the trustees as aforesaid; a treasurer, who shall give bonds in such manner as the trustees shall direct, and receive into his hands all notes, monies and other property of said society, and, under the direction of the trustees aforesaid, shall put the same to use, or vest the same in stocks, or banks, or loans on interest, as they may direct.

Number of trustees.

Clerk.

Treasurer—

[Not to pay money without order of trustees. 1825 ch. 39.]

SECT. 3. *Be it further enacted,* That said society shall meet annually for the transaction of business, and the choice of their officers, at or about the time of the annual parish meetings, at which time the trustees shall exhibit a fair statement of their proceedings, and of the state of the funds of said society; and the income of the same, after deducting society charges, shall be annually appropriated for the support of a calvinistic congregational minister in said north parish; and for that purpose the treasurer of said parish is hereby authorized to demand and receive the same annually.

Time of meeting.

Appropriation of income.

SECT. 4. *Be it further enacted,* That said society shall be, and hereby are made capable in law of receiving and holding any grants or devises of lands or tenements in fee simple, and any donations and bequests of money, or other personal estate, to any

Power to receive funds.

amount, for the purposes aforesaid: *provided*, the annual income thereof shall not exceed the sum of six hundred dollars.

Membership.

SECT. 5. *Be it further enacted*, That said society, at any legal meeting thereof, may have the power of admitting new members, by their paying or securing to the treasurer thereof a sum of money, not less than sixteen dollars and sixty-seven cents each; and of dismissing any member therefrom, by returning the capital of his subscription, whenever he may remove from said parish, not having owned any real estate therein.

First meeting.

SECT. 6. *Be it further enacted*, That Caleb Sayles be hereby authorized to call the first meeting of said society, by posting up a notification of the time and place for the same, at said parish meeting-house, seven days at least previous to said meeting. [June 14, 1823.] Add. act, 1825 ch. 39.

Chap. 28.

An Act to set off Amasa Bailey and Caleb Bailey, Junior, with their estates, from the town of Scituate, and annex them to the town of Cohasset.

A. and C. Bailey
annexed to Co-
hasset.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Amasa Bailey and Caleb Bailey, Junior, with their dwelling, buildings, and homestead, containing about ninety acres of land, be, and they hereby are set off from said town of Scituate, in the county of Plymouth, and annexed to the town of Cohasset, in the county of Norfolk: and they shall hereafter be subject to all the duties, and entitled to all [the] privileges of inhabitants of said town of Cohasset: *provided, nevertheless*, said Amasa Bailey and Caleb Bailey, Junior, shall be liable to pay all taxes that have been legally assessed upon them by said town of Scituate. [June 14, 1823.]

Chap. 29.

An Act in addition to an Act, entitled "An Act to incorporate the West Boylston Manufacturing Company."

1813 ch. 84.

Meeting of
stockholders
called.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alpheus Smith be authorized to call a meeting of the stockholders and proprietors of the West Boylston Manufacturing Company, at such time and place within the town of West Boylston, in the county of Worcester, as he may think proper, by publishing the same three weeks successively, in the Massachusetts Spy, printed in Worcester, the last publication to be seven days at least previous to said meeting.

Reorganization.

SECT. 2. *Be it further enacted by the authority aforesaid*, That, at such meeting, said proprietors and stockholders may proceed to organize their corporation, choose officers, make by-laws, and do all acts and things that grantees of a charter of incorporation may usually by law do at their first meeting, conformably to the constitution and laws of this Commonwealth. And all matters and things done at said meeting, and afterwards upon the organization of said corporation, shall be legal and binding to all intents and purposes, in the same way and manner they would have been, if said corporation had continued legally organized and in operation. [June 14, 1823.]

An Act to incorporate the Proprietors of the Meeting-house of the Second Congregational Society in Lynn. *Chap. 30.*

Salph. A. Sturtevant

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Benjamin Massey, Henry A. Breed, Winthrop Newhall, William B. Breed, William Chadwell, and their associates, successors and assigns, are hereby constituted and made a body politic and corporate, by the name of the Proprietors of the Second Congregational Church in Lynn, and may by that name sue and be sued, defend and be defended, in all actions, real, personal or mixed, in which the said corporation may be concerned, and may establish by-laws and regulations, not repugnant to the constitution and laws of the Commonwealth; and shall, in the month of March or April, annually, choose by ballot, a board of trustees, consisting of not less than five, and not more than seven, a majority of whom shall be a quorum for doing business; and the said trustees shall, at their first meeting, and annually afterwards, choose a president from their own number, who shall preside at all meetings of the trustees, and of the corporation. And the secretary, treasurer and collector, chosen by the society, shall be secretary, treasurer and collector for the corporation.

Persons incorporated.
Powers and privileges.
Board of trustees.

SECT. 2. *Be it further enacted,* That the proprietors, at their first meeting, and at their annual meetings afterwards, may vote and raise such sum or sums of money as shall be necessary for the enlarging their meeting-house, and keeping the same in repair, and for all other purposes necessarily incident to the expenses of said society; especially for the support and maintenance of public worship: which sum or sums shall be assessed on the said proprietors, according to a valuation of their pews in the said meeting-house. And any person purchasing a pew, or half of a pew in said meeting-house, shall be a proprietor, who may vote in all the concerns of the said corporation, which pew, or part of a pew, shall be holden for the payment of all assessments: and any proprietor neglecting or refusing to pay the same for three months after it shall become due, the collector may sell the same at public auction, by posting notices of such sale at the meeting-house seven days at least before the day of sale, and by notifying the proprietor in writing at least two days before the time of sale, and the overplus (if there be any) after paying the expenses, shall be paid to the said proprietor. And any person, whose pew, or share in a pew, shall be sold as aforesaid, may redeem the same, by paying to the purchaser the amount of the purchase money, with interest, at any time before the expiration of six months from the time of said sale, and the purchaser shall thereupon reconvey the same to such proprietor.

May raise money for expenses.
Pews may be sold for non-payment of assessments.
Owner may redeem.

SECT. 3. *Be it further enacted,* That all deeds of pews or other property shall be signed by the president of the board of trustees, and attested by the secretary, and by him shall be recorded in a book to be kept for that purpose; which record shall be valid in law, and equivalent to being recorded in the

Deeds.

Responsibility
of trustees.

registry for the county : and all monies arising from the sale of pews, (after paying for building the meeting-house and all other expenses) and donations made to the proprietors, or however otherwise, shall be placed in a fund, the interest of which shall be for the support of public worship (excepting otherwise appropriated by the donor,) which fund shall be under the care and direction of the trustees, who shall be held individually accountable for the funds with which they are entrusted during the term of their continuing in office, and shall annually render an account of the funds to the corporation : *provided, however*, that the annual income of said fund shall not exceed one thousand dollars. [June 14, 1823.]

Chap. 31.

An ACT to establish the town of East Bridgewater.

Town incorpo-
rated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the East parish of Bridgewater, according to the territorial limits thereof, be, and the same is hereby incorporated into a town, by the name of East Bridgewater, and invested with all the powers and privileges, and subject to all the duties and requisitions, to which towns in this Commonwealth are by the constitution and laws entitled and subjected.

Payment of ar-
rears of taxes.

SECT. 2. *Be it further enacted*, That the inhabitants of said town of East Bridgewater shall be holden to pay all arrears of taxes, which have been assessed, or directed to be assessed, upon them by the town of Bridgewater, and shall be entitled to receive, hold, and enjoy such proportion of all debts and taxes now due, and assessments voted to said town of Bridgewater, and such proportion of all the privileges and property, real or personal, now belonging to said town of Bridgewater, of what kind soever it may be, as the property of the said inhabitants of East Bridgewater bears to the property of all the inhabitants of said town of Bridgewater, according to the latest valuation thereof ; and they shall be holden to pay their proportion, to be ascertained as aforesaid, of all the debts now due and owing from said town of Bridgewater.

Entitled to pro-
portion of prop-
erty.

Support of the
poor.

SECT. 3. *Be it further enacted*, That the said town of East Bridgewater shall be holden to support their proportion of the poor of the town of Bridgewater, which are now chargeable to said town, which proportion shall be ascertained by the present valuation of said town, and all persons who may hereafter become chargeable as paupers to the said town of Bridgewater, or East Bridgewater, shall be considered as belonging to that town, on the territory of which they had their settlement at the time of passing this act, and shall in future be chargeable to that town only.

First meeting.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Plymouth is hereby authorized to issue his warrant, directed to any freeholder of said town of East Bridgewater, requiring him to warn the inhabitants thereof to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings. [June 14, 1823.]

An ACT to incorporate the Bristol County Agricultural Society.

Chap. 32.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Crocker, Pitt Clark, Otis Thompson, Francis Baylies, Alvin Cobb, David G. W. Cobb, James L. Hodges, Horatio Leonard, Peter Thacher, Asahel Bliss, Roland Howard, Thomas Almy, Luther Hamilton, Jesse Smith, Junior, Dan Wilmuth, Junior, together with such others as are now associated, or may hereafter associate with them, and their successors, be, and they are hereby made a corporation by the name of the Bristol County Agricultural Society; and for this purpose, shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other incorporated agricultural societies in this Commonwealth; and the said corporation may lawfully hold and possess real estate, not exceeding twenty thousand dollars, and personal estate, the annual income whereof shall not exceed five thousand dollars, and also have power to sell, alien, and dispose of the same estate, real and personal, not using the same in trade or commerce.

Persons incorporated.

Powers and privileges.

Real and personal estate.

SECT. 2. *Be it further enacted,* That Samuel Crocker, Esquire, of Taunton, in said county, be, and he is hereby authorized to notify and call the first meeting of the society aforesaid, for the purpose of organizing the same, and for establishing rules and by-laws for the government of the same, not repugnant to the constitution and laws of this Commonwealth, by giving public notice of the time and place of holding said meeting, two weeks in the newspaper printed in said Taunton. [June 14, 1823.]

First meeting.

An ACT for the relief of the Danvers Cotton Factory, in Danvers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the laws heretofore passed relative to alewives in the waters running into Ipswich river, be, and they hereby are repealed, so far as not to require the continuance of fish-ways at the Danvers Cotton Factory, in the town of Danvers, or in the stream running thither from Humphrey's pond. [June 14, 1823.]

Chap. 33.

1787 ch. 58.
(v. 1. p. 191.)
1810 ch. 117.
1812 ch. 127.
1814 ch. 22.

An ACT in addition to an Act to incorporate the Massachusetts Hospital Life Insurance Company.

Chap. 34.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said corporation may from time to time invest all monies held by them for the purchase of annuities, or in trust for, and during the lives of any person or persons, in notes secured by mortgage of real estate, or by collateral assignment of any of the species of stocks mentioned in the fifth section of an act, entitled "an act to incorporate the Massachusetts Hospital Life Insurance Company," passed February twenty-fourth, in the year of our Lord one thousand eight hundred and eighteen, and also, that all policies, contracts, or other instruments, whether under seal or not, made in the name of said corporation, and signed by the secretary or actuary, shall be as good and valid, to all intents, as if the

1817 ch. 180.

Investment of monies.

1817 ch. 180.

same had been made and executed by the president and directors of said corporation. [June 14, 1823.] Add. act, 1823, ch. 51.

Chap 35.

An ACT to incorporate the Second Baptist Society in Haverhill.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Benjamin Chase, Cutting Moody, William D. S. Chase, with their associates and successors, be, and they hereby are incorporated, for religious purposes only, into a society, by the name of the Second Baptist Society in Haverhill, with all the powers, privileges, and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth. And said corporation is hereby authorized and empowered to take, purchase, and hold all real and personal estate necessary and convenient for the purposes aforesaid: *provided*, that the income of the whole estate of said corporation, exclusive of the meeting-house and land under the same, shall not exceed one thousand dollars.

SECT. 2. *Be it further enacted,* That the said society may have power to elect all necessary officers, and to order and establish such regulations, rules, and by-laws for their government, and for the management of their property and concerns as they may see fit: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

SECT. 3. *Be it further enacted,* That any justice of the peace for the county of Essex, upon application therefor, is hereby empowered to issue a warrant directed to a member of the said baptist society in Haverhill, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, to organize the said society by the appointment of its officers. [June 14, 1823.]

Chap. 36.

An ACT to incorporate a religious society by the name of the Christian Society, in the city of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jacob Tidd, Moses Howe, William Gridley, Junior, Benjamin Binney, Thomas Mickle, Loring Newcomb, John G. Loring, Abner Bowman, Lewis Wilder, and Ezra Burley, and all others who may associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the Christian Society in the city of Boston, with all the privileges, powers, and immunities, to which other religious societies in this Commonwealth are by law entitled.

SECT. 2. *Be it further enacted,* That the said society shall be capable in law to purchase, hold, and dispose of any real or personal estate, for the use of said society, the annual income of which shall not exceed four thousand dollars.

SECT. 3. *Be it further enacted,* That Jacob Tidd, Moses Howe, and William Gridley, Junior, or either of them, may call a meeting of said corporation, by an advertisement printed in a public newspaper in said Boston, ten days at least before the time

of such meeting ; at which meeting said corporation may agree upon the mode of calling future meetings, elect a moderator, clerk, treasurer, and such other officers as they may deem necessary, and establish by-laws for the government of said society. [June 14, 1823.]

An Act empowering the Massachusetts Mutual Fire Insurance Company to invest their funds.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the corporation, known by the name of the Massachusetts Mutual Fire Insurance Company, be, and the same hereby is authorized and empowered to invest the funds of said corporation to such extent as said corporation may see fit, in promissory notes of the treasurer of the city of Boston, in the county of Suffolk. [June 14, 1823.] Add. act, 1829, ch. 14.

An Act to change the names of [the] persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the several persons herein named, shall be known and called by the names they are respectively allowed to assume, namely,—that William Adams, of Boston, schoolmaster, may take the name of William Joseph Adams ; that Guy Middleton, of Lee, laborer, may take the name of John Andrews ; that John Andrews, of Boston, founder, may take the name of George Canning Franklin Andrews ; that Mary Poor, of Haverhill, single-woman, may take the name of Mary Sargent Poor ; that Minerva Parker, of Hawley, may take the name of Catharine Minerva Lilley ; that John Bridge, Junior, of Boston, may take the name of John Dana Bridge ; that Timothy Morrill, Junior, of Salisbury, trader, may take the name of Timothy Pilsbury Morrill ; that Catharine Hannah Adams Willard, of Charlestown, may take the name of Catharine Hannah Adams ; that Peter Dow, of Haverhill, housewright, may take the name of Charles W. Dow ; that Ezra Gates, of Ashby, may take the name of Ezra Coolidge Gates ; that John Stevens, of West Newbury, may take the name of Luther Green Stevens ; that Reuben Stackpole, of Boston, may take the name of Reuben Markham Stackpole ; that Tabitha Henderson, of Charlestown, single-woman, may take the name of Tabitha Wilder ; that Elisha Williams, of Boston, may take the name of Elisha Scott Williams ; that Edmund Colburn, of Boston, may take the name of Edmund Wesley Colburn ; that William Trowbridge, of Worcester, mechanic, may take the name of William Frederick Trowbridge ; that Mariet Jones, of Boston, single-woman, may take the name of Maria Jones ; that Asa Green, of Northborough, may take the name of Asahel Wood Green ; that Oliver Webster, of Otis, a minor, may take the name of Oliver Post Webster ; that George Wells, a member of Harvard University, may take the name of George Wadsworth Wells. And the said several persons before named shall hereafter be called and known by

Chap. 37.

1797 ch. 67.
(v. 2. p. 211.
1821 ch. 33.

Funds, how invested.

Chap. 38.

Persons whose names are changed.

the names, which by this act they are respectively allowed to assume as aforesaid ; and the same shall be considered as their only proper and legal names. [June 14, 1823.]

Chap. 41. An ACT to regulate the fishery in Neponset river, in the towns of Dorchester and Milton.

No person to use seines.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, no person or persons shall be allowed to put or draw any seine, or seines, whatever, in Neponset river, so far as that river forms any part of the dividing line between the towns of Dorchester and Milton, for the taking of fish called smelts and eels ; and every person who shall presume to take any fish, called smelts and eels, with a seine, from said river, shall incur and pay a penalty of five dollars for every such offence.

Who are privileged to take fish.

SECT. 2. *Be it further enacted,* That no person or persons, excepting the inhabitants of the towns of Dorchester and Milton, shall be allowed to take from said river, within the limits aforesaid, in any way whatsoever, any of the fish called smelts and eels, unless by permission of one or more of the selectmen of said towns, and any person not an inhabitant of said towns who shall presume to take any of said fish, unless by such permission, shall incur a penalty of five dollars for every offence.

Penalties, how recoverable.

SECT. 3. *Be it further enacted,* That all penalties incurred by a breach of this act, may be prosecuted and sued for before any justice of the peace for the county of Norfolk, by any of the inhabitants of either of said towns, for the use of him or them who shall sue for and recover the same, [June 14, 1823.]

Chap. 42.

An ACT incorporating the Newton Factories.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Rufus Ellis, David Ellis, Jonathan Chapman, and Jonathan Mason, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Newton Factories, for the purpose of manufacturing woollen, cotton, and iron ; and for those purposes, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act “ defining the general powers and duties of manufacturing corporations,” passed the third day of March in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Powers and privileges.
1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted,* That the said corporation may lawfully hold and possess such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate not exceeding the value of two hundred thousand dollars, as may be convenient and necessary for carrying on the said manufactures. [June 14, 1823.]

AN ACT to establish a fund for the support of the gospel ministry in the South Parish of the town of Reading, in the county of Middlesex, and to appoint trustees for the management thereof.

Chap. 43.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edmund Parker, Esquire, John Bachelor, Ebenezer Emerson, Capt. Timothy Wakefield, Junior, and Thomas Sweetser, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the South Parish in Reading Ministerial Fund ; and they and their several successors in their respective offices, shall continue a body politic and corporate by that name forever ; and by the same name, may sue and be sued in all actions, and pursue and defend the same to final judgment and execution : *provided, always,* that, at the expiration of five years from the first Thursday of March, A. D. 1823, and once in five years forever after, the legal voters of said parish, at their annual meeting in March, may elect a new board of trustees, or fill any vacancies which may happen in the old board, by death, resignation, or otherwise ; all vacancies that may happen in the board of trustees, during the term of five years for which they were chosen, shall be filled by the remaining trustees.

Persons incorporated.

Powers.

Proviso.

SECT. 2. *Be it further enacted,* That any gift, grant, bequest, or devise hereafter made to said trustees, shall be valid and effectual to all intents and purposes whatever ; and they and their successors, as aforesaid, are hereby empowered by purchase or operation of law, to take, have, hold, use, and improve and manage any estate, real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust for the support and maintenance of the gospel ministry in said parish ; and whenever the net annual income or interest of such fund or estate shall amount to the sum of three hundred dollars, and not before, the said trustees shall proceed to pay the same quarterly, to such teacher of religion as shall be regularly ordained and settled in said parish, by the joint concurrence of the inhabitants and church thereof : and such teacher of religion shall be entitled to recover the same by action of debt against said trustees ; and during any vacancy, in said parish, of a regular ordained and settled minister, they shall appropriate such income or interest to the increase of the principal fund, any thing herein to the contrary notwithstanding.

Real and personal estate.

Appropriation of income.

SECT. 3. *Be it further enacted,* That it shall be, and it is hereby made the duty of the said trustees and their successors to use, manage, and improve all ministerial lands of said parish, except what may be improved by their minister, in such way and manner as in their discretion and judgment will best obtain and secure the end of their incorporation ; and they are also hereby authorized and empowered to lease, sell, or convey in fee simple, or otherwise, all, or any part of said ministerial land, and for that purpose, to make, execute, and acknowledge any good and sufficient deed or deeds thereof.

Ministerial lands.

SECT. 4. *Be it further enacted,* That the said trustees may assemble and meet together as often as they may think necessary

Meetings.

May appoint necessary officers, and make by-laws.

for the promotion of their trust, any three of whom shall constitute a board for doing business, but the concurrence of three, at least, shall be requisite for every act and proceeding whatever ; they may determine the manner of calling meetings, they may appoint a clerk and agent, or agents, and other needful officers, and committees, they may make reasonable rules, regulations, and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth ; they may have a common seal, and change the same at pleasure, and they may alienate, by good and sufficient deeds in law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law.

Duty of clerk.

SECT. 5. *Be it further enacted*, That the clerk of said corporation, who shall be a member thereof, and shall be sworn in the same manner as town officers are, to the faithful performance of the duties of his office, shall have the care and custody of all papers and documents belonging to said trustees, and shall carefully and fairly record all their votes and proceedings in a book kept for that purpose, and shall certify the same when thereunto required ; and he shall call meetings when he may think the same necessary, or when thereto required by said trustees ; and do whatever else may be incident to said office ; and he shall deliver up to his successor in office, as soon as may be, all the records, papers and documents in his hands, in good order and condition ; and if he shall neglect so to do for the space of thirty days next after such successor shall be duly appointed, he shall forfeit and pay a fine of fifty dollars, and a further sum of thirty dollars per month for such neglect.

Penalty for neglect.

Duty of treasurer.

SECT. 6. *Be it further enacted*, That said trustees shall appoint one of their board to be treasurer for said trustees and the receiver of all monies and effects due, owing and coming to them, and may demand, sue for and recover the same in their name, unless prohibited by them ; and he shall have the care and custody of all the money and effects, obligations and securities for the payment of money or other things, and all evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands whenever they shall require the same to be done ; and he shall deliver up to his successor in office, as soon as may be, all books and papers, property and evidences of property in his hands, in good order and condition ; and shall give bonds to said trustees and their successors, with sufficient sureties to be approved by them in the penal sum of ten thousand dollars, at least, conditioned to do and perform all the duties incumbent on him as treasurer ; and if he shall fail to deliver up the same as aforesaid, or neglect to give bond as aforesaid, for the space of thirty days next after such treasurer shall be duly chosen, he shall forfeit and pay a fine of fifty dollars, and a further sum of thirty dollars per month for such failure or neglect afterwards.

Penalty for neglect.

SECT. 7. *Be it further enacted*, That it shall be the duty of said trustees to use and improve such fund or estate as shall be vested in them by virtue of this act with care and vigilance, so as best to promote the design thereof; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired, or suffer loss, waste or diminution; and the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said trustees, and their goods and estates, jointly and severally, for such negligence or misconduct, and recover adequate damages therefor; and any sum recovered shall be deemed to be for the benefit of said fund, and shall be paid to said trustees who may have an action of debt therefor accordingly.

Duty of trustees.

Responsibility for negligence.

SECT. 8. *Be it further enacted*, That the said trustees shall cause to be recorded and kept in their book of records by their clerk a statement of the funds and estate in their hands, wherein shall be particularly designated the nature and amount of each original grant or donation, the period when made, the design thereof, and the donor's or grantor's name and place of abode at large, with such other circumstances as they may think useful or proper to distinguish the same, and perpetuate the remembrance thereof; and they shall make report of such statement to the inhabitants of said parish at their meeting in the month of March or April annually, where the same shall be publicly read, or to a select committee if said parish shall choose one for that purpose, together with a specific estimate of what estate they actually hold, and by what tenure: what money and effects are due to them, and how the same are secured, and what receipts have been obtained, and disbursements made by them the preceding year.

Funds.

Receipts and expenditures.

SECT. 9. *Be it further enacted*, That the said trustees shall always loan upon interest all money belonging to said funds, in sums of not less than two hundred dollars each, and for the term of one year, upon the bond or note of the borrower, with a mortgage of real estate to three times the value of the sums loaned as collateral security for the repayment of the principal sum, with interest annually till paid; and if any debtor to said corporation shall fail to pay the interest due on his bond or note for the space of ten days after the same shall become due, it shall be the duty of said treasurer to cause such bond or note and mortgage, to be put in suit, and prosecuted, until it shall be obtained.

Money to be loaned on interest.

SECT. 10. *Be it further enacted*, That if the said trustees shall fail to pay the annual income of said fund to the settled minister as herein before provided, for the space of thirty days after the same shall become payable as aforesaid, or if they shall neglect to make report to said parish in the month of March or April annually, or to a select committee as in this act directed, they shall severally forfeit for each offence the sum of fifty dollars, and the further sum of thirty dollars per month afterwards, until they shall make payment of said income as aforesaid, saving

Trustees to pay over the income.

Penalty for neglect.

always that the trustees shall not be liable for the forfeiture aforesaid for non-payment of said income, if they shall prosecute, as before in this act provided, within thirty days after the same shall become due for the recovery thereof.

Compensation
of trustees.

SECT. 11. *Be it further enacted*, That the said trustees shall be entitled to receive a reasonable compensation to be paid by said parish, for their services in managing and taking care of said funds and estate ; but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

Fines recoverable
by action of
debt.

SECT. 12. *Be it further enacted*, That all fines and forfeitures, incurred for any breach of this act, shall and may be recovered by action of debt by the inhabitants of said parish, if they shall sue for the same within six months after the same shall be incurred, to the use and benefit of said fund, to be paid to said trustees accordingly, otherwise by any person who shall sue therefor, one moiety thereof to his own use, and the other moiety thereof to the use and benefit of said fund, and shall be paid to said trustees accordingly, and by this act they may have an action of debt, to recover the same.

First Meeting.

SECT. 13. *Be it further enacted*, That Timothy Wakefield, Esquire, is hereby authorized and directed to appoint the time and place for holding the first meeting of said trustees, and to warn such meeting accordingly. [June 14, 1823.] Add. act, 1824 ch. 25.

Chap. 44.

An ACT to incorporate the Twelfth Congregational Society in the city of Boston.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George W. Otis, Benjamin French, Thomas Powers, Samuel B. Doane and John de Wolf, and all others who may associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the Twelfth Congregational Society in the city of Boston, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are entitled by law, and the constitution thereof.

Powers and
privileges.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estate, real or personal, for the use of said society : *provided*, the annual income thereof shall not exceed at any time the value of five thousand dollars.

First meeting.

SECT. 3. *Be it further enacted*, That any justice of the peace for the county of Suffolk be and he hereby is authorized to issue his warrant to any member of said society, requiring him to warn the members thereof to meet at such convenient time and place in the city of Boston as shall be therein directed, to choose a clerk, a treasurer, and such other officers, committee or committees as they may deem needful. [June 14, 1823.]

AN ACT to incorporate the Braintree Manufactory.

Chap. 45.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ezra Hyde, Jacob Perkins, Increase Robinson, Nathan Lazell, Junior, with such other persons as have already or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Braintree Manufacturing Company, for the purpose of manufacturing cotton gins, ironworks, and machinery, in the town of Braintree, in the county of Norfolk; and for those purposes, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act made and passed on the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid. [June 14, 1823.]

Real and personal estate.

AN ACT to incorporate the Trustees of the Methodist Religious Society in Cambridge.

Chap. 46.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Amos Binney, John Clark, William Granville, Deming Jarves, Atherton H. Stevens, Joseph Capewell, and Joseph Stone, be, and they hereby are incorporated into a body politic, by the name of the Trustees of the Methodist Religious Society in Cambridge, and by that name, they and their successors in office, shall be a corporation forever.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said trustees may have and hold any real or personal estate in the town of Cambridge, not exceeding the sum of fifty thousand dollars, for the benefit and in behalf of the Methodist Religious Society in Cambridge, and the same, manage and improve, or sell and convey as the case may require, subject, moreover, to such rules and regulations as may be prescribed and adopted by a majority of the male members of said Methodist Religious Society, at any annual meeting thereof, not inconsistent with the constitution or laws of this Commonwealth.

Real and personal estate.

SECT. 3. *Be it further enacted,* That whenever any vacancy may occur in the board of trustees hereby constituted, by death or resignation, the said Methodist Religious Society, by a majority of the votes of the male members, at any meeting called for that purpose, may elect one or more persons for [*from*] the male members of said society, of twenty one years of age and upwards, to fill such vacancy, so that the number of trustees be kept up to seven forever, any four of them duly assembled shall be competent to transact any business.

Vacancies in the board of trustees.

Officers and
by-laws.

SECT. 4. *Be it further enacted*, That the said trustees shall meet at least once in each year, and elect such officers, and prescribe such rules and regulations, and by-laws, as they may deem expedient for the management of their affairs, always keeping a fair record of all their proceedings.

First Meeting.

SECT. 5. *Be it further enacted*, That John Clark, and Deming Jarves be, and they are hereby authorized to call the first meeting of said board of trustees, at such time and place as they may appoint; at which first meeting there shall be chosen a secretary, a treasurer, and a president; and also rules, regulations, and by-laws shall be adopted, which shall remain in force for one year, and until altered or amended at any future annual meeting. [June 14, 1823.]

Chap. 47.

An Act to amend an Act, entitled "An Act to incorporate the Nantucket Phoenix Insurance Company."

1818 ch. 17.

Time of dividend changed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an act, entitled "an act to incorporate the Nantucket Phoenix Insurance Company," as requires one of the semi-annual dividends to be made on the second Monday in June, be, and the same is hereby repealed; and in lieu thereof, the said dividend shall be made on the second Monday of July in every year, the said act to the contrary notwithstanding. [June 14, 1823.]

Chap. 48.

An Act to incorporate the Mansfield Union Cotton and Wool Manufactory.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ethan Cobb, Adam Smith, and Henry Hatch, with such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Mansfield Union Cotton and Wool Manufactory, for the purpose of manufacturing cotton and woollen goods in the town of Mansfield, in the county of Bristol; and for that purpose, shall have all the powers and privileges, and be liable to all the duties and requirements contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Powers and pri-
vileges.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value thirty thousand dollars, and such personal estate not exceeding in value fifty thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

First meeting.

SECT. 3. *Be it further enacted*, That any one or more of the persons abovenamed are hereby authorized and empowered to call the first meeting of the members of said corporation, at such time and place as they may see fit to appoint, by advertising the same in any newspaper printed in the city of Boston, for

the purpose of choosing officers, and making by-laws for the regulation of the officers of said corporation. [June 14, 1823.]

An Act in addition to an Act, entitled "An Act to incorporate the New-England Religious Tract Society."

Chap. 49.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the corporation known by the name of the New-England Religious Tract Society, be henceforth called and known by the name of the American Tract Society, any thing in the original act of incorporation, entitled "an act to incorporate the New-England Religious Tract Society," passed December ninth, in the year of our Lord one thousand eight hundred and sixteen, to the contrary thereof notwithstanding. [June 14, 1823.]

1816 ch. 72.

Name changed.

An Act in addition to an Act, entitled "An Act to incorporate the Trustees of Phillips Academy in Andover," and the several acts in addition thereto.

Chap. 50.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Moses Brown, Wm. Bartlett, George Bliss, Calvin Chapin and Jeremiah Day, visitors of the Theological Institution in Phillips Academy in Andover, and their successors, be, and they hereby are constituted a corporation, by the name of the Visitors of the Theological Institution in Phillips Academy in Andover, to be the guardians, overseers and protectors of such donations as have been, or hereafter may be made subject to their inspection, with the assent of the trustees of said academy, according to the terms and conditions prescribed by the statutes of the founders thereof, agreeably to the intentions of the founders of said academy; and as such corporation may do and perform all acts and things required of them by such statutes: *provided*, that the corporation hereby created shall have no power to take or hold real or personal estate without the consent of the Commonwealth expressly given therefor.

Oct. 4, 1780.

1807 ch. 22.

1813 ch. 125.

Persons incorporated.

To be overseers of donations.

Proviso.

SECT. 2. *Be it further enacted,* That the first meeting of said visitors may be called by either of the members of said board, and at such, or any future meeting duly called for that purpose, they may establish such rules and regulations for the government of said board as they may think proper: *provided*, the same shall not be repugnant to the constitution and laws of this Commonwealth, nor to the statutes of the founders of said institution.

First meeting.

SECT. 3. *Be it further enacted,* That, if the said visitors shall at any time act contrary to the statutes of the founders of said institution, or exceed the limits of their jurisdiction, the party aggrieved may appeal to the supreme judicial court, to be holden within and for the county of Essex, and the said supreme judicial court, which may be authorized to decide questions of law in civil actions, is hereby authorized to declare null and void any decree or sentence of the visitors, which they may consider contrary to the statutes of the founders, and beyond the just limits of the power prescribed to them thereby; *provided*, how-

Appeals to S. J. C. authorized.

Power of court.

Proviso. *ever*, that nothing herein contained shall be construed to limit or restrain the supreme judicial court from exercising all such jurisdiction in relation to this corporation, as by law they might exercise, had not this special provision been made. [Jan. 17, 1824.]

Chap. 51. An ACT in further addition to an Act to incorporate the Massachusetts Hospital Life Insurance Company.

1817 ch. 180.
1823 ch. 34.

Choice of president.

1817 ch. 180.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That at the next meeting of the stockholders of the said corporation, they shall elect one of said stockholders to be president of the said corporation; and that so much of the third section of the act entitled, "an act to incorporate the Massachusetts Hospital Life Insurance Company," passed February twenty-fourth, in the year of our Lord one thousand eight hundred and eighteen, as provides that the directors of said corporation, at the first meeting after their election, shall choose one of their own number as president of the said corporation, be, and the same is hereby repealed.

Agreement of trustees.

SECT. 2. *Be it further enacted*, That the agreement entered into, between the trustees of the Massachusetts General Hospital, and the Massachusetts Hospital Life Insurance Company, in the words following, to wit:—"That the trustees of the Massachusetts General Hospital do agree to receive one third part of the net profits accruing to said company from insurance on lives by sea and on land, reversionary payments, and generally from all kinds of contracts in which the casualties and contingencies of life, and the interest of money are principally involved, after deducting for the use of the said stockholders, legal interest on the amount of capital actually paid in by them and invested in pursuance of the provisions of their said act, said interest not being calculated on any part of the profits of said stock: *provided*, the said insurance company shall bind itself in writing, to pay over annually to the trustees of the Massachusetts General Hospital, for the use of said hospital, one third part of all their net profits, computed on the principle above stated, as well on reversionary payments and all other contracts made by said company in which the casualties of life and interest of money are principally concerned, as on insurances on lives," which alone are mentioned in the seventh section of the act to which this is in addition, be, and the same is hereby confirmed. [Jan. 17, 1824.]

Proviso.

Chap. 52.

An ACT to incorporate the Evangelical Tract Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Baldwin, Daniel Sharp, Francis Wayland, Charles Train, Lucius Bolles, Nathaniel W. Williams, Joseph Grafton, Bela Jacobs, Ensign Lincoln, Levi Farwell, Ward Jackson, Thomas Kendall and John B. Jones, with their associates and successors, be, and hereby are incorporated and made a body politic, by the name of the Evangelical Tract So-

ciety, for the purpose of publishing pious and useful books and tracts for distribution among the ignorant and destitute ; and by that name may sue and be sued, plead and be impleaded, appear in court, defend and prosecute to final judgment and execution ; and in their said corporate capacity, they may have and use a common seal ; and they and their successors forever may take, possess, and apply to the purposes of said corporation, any monies which may be given for immediate use, and may hold as a permanent fund any estate, whether real or personal, the yearly income of which shall not exceed one thousand dollars, and the same shall be faithfully appropriated to the object aforesaid, and not otherwise.

Powers.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may make and establish such rules and by-laws as shall be found expedient for the management of their concerns, which are not repugnant to the constitution and laws of this Commonwealth : *provided, however*, that the Legislature may alter or repeal this act at their pleasure.

Rules and by-laws.

SECT. 3. *Be it further enacted*, That THOMAS BALDWIN is authorized to call the first meeting of said corporation, by giving public notice thereof in one of the newspapers printed in Boston. [Jan. 27, 1824.]

First meeting.

An Act in addition to an Act, entitled an Act to incorporate the Boston Asylum for Indigent Boys.

Chap. 53.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the power recognized in the act to incorporate the Boston Asylum for Indigent Boys, of the parent or guardian of any indigent boy or boys, to surrender in writing him or them to the managers of said asylum, for the purposes mentioned in said act, shall, in case said boy or boys have no parent or guardian within the city of Boston, nor legal settlement in any other town in this Commonwealth, be possessed and exercised by the overseers of the poor of the city of Boston, and that the managers of said asylum shall have the same authority and control over boys surrendered in the manner herein prescribed, as they now have over boys surrendered by their parents or guardians. [Jan. 27, 1824.] Add. act, 1835 ch. 28.

1813 ch. 153.

An Act in addition to an Act, entitled an Act to establish the Barre Turnpike Corporation.

Chap. 54.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Barre Turnpike Corporation be, and they hereby are authorized to erect a gate at any place within fifty rods of the dwelling-house of John Davis, in Princeton, when said turnpike road shall have been completed, any thing in the general turnpike law to the contrary notwithstanding. [Jan. 28, 1824.] Add. act, 1825 ch. 70.

1821 ch. 45.

Chap. 55. An ACT to annex John Ward, with his family and estate, and the estate of William Barrell and others to the town of Ashburnham.

J. Ward and
others annexed
to Ashburnham.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Ward, of Westminster, with his family, and so much of his real estate, and of the real estate of William Barrell, Ohio Whitney, Silas Whitney and Samuel Whitney, as lies within the said town of Westminster, be, and the same hereby are annexed to the town of Ashburnham, and the real estate aforesaid made a part of said Ashburnham; and that the said John Ward and family shall hereafter be considered inhabitants of said town of Ashburnham, and shall there exercise and enjoy all the rights and privileges, and be subject to the like duties and requisitions, as the other inhabitants of said Ashburnham: *provided*, that the persons and estate aforesaid shall be holden to pay all taxes now assessed upon the same, in the same manner as if this act had not been passed, and also the proportionate part of all state and county taxes, which shall be laid upon the said town of Westminster, until another general valuation shall be made. [Jan. 28, 1824.]

Proviso.

Chap. 56. An ACT to incorporate the Trustees of the Methodist Episcopal Church in Duxbury.

Persons incor-
porated.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Studley Sampson, Joseph Winsor, Snow Magoun, Henry Chandler, Seth Sprague, Seth Sprague, Jr., George Winsor, Solomon Washburn and Lemuel Harlow, all of Duxbury, in the county of Plymouth, be, and they hereby are constituted a body corporate and politic, by the name of the Trustees of the Methodist Episcopal Church in Duxbury, for the promotion of piety, religion and morality; and they and their successors shall be and continue a body politic and corporate by that name forever: and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued, in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

Powers.

Election of offi-
cers.

SECT. 2. Be it further enacted, That the aforesaid trustees and their successors shall and may annually elect a president, and a secretary to record the doings and transactions of the trustees, and a treasurer to receive and apply the monies or property hereinafter mentioned, as hereinafter directed, and any other officer that may be necessary for the managing of their business; and they may make rules, regulations and by-laws not repugnant to the laws of this Commonwealth.

By-laws.

Number of trus-
tees.

SECT. 3. Be it further enacted, That the number of trustees shall not at any one time be more than nine, nor less than seven; five of their number shall constitute a quorum for transacting business, and they may and shall, from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise, as hereinafter provided. And such trustees shall annually hold a meeting in March or April, and at such other times as may be necessary; which meetings, after the first, shall be called in such way and manner as the trustees aforesaid shall hereafter direct.

SECT. 4. *Be it further enacted*, That the aforesaid trustees and their successors are hereby made capable in law to possess and hold all the property, both real and personal, belonging to the Methodist Episcopal Church in Duxbury, in trust forever, for the use and benefit of the members, for the sole purpose of promoting the public worship of Almighty God, according to the doctrines and discipline of said church. And in further trust and confidence, that whenever one or more of said trustees shall die, or from any cause cease to be a member or members of said corporation, then, and in that case, the vacancy shall be supplied according to the direction given in the discipline of said church, that is, the minister or preacher who shall be regularly appointed to the pastoral charge of the members of said church, for the time being, shall have the right to nominate, and the trustees may confirm or reject such nomination.

May hold the property of the M. E. Church in Duxbury.

Vacancies supplied.

SECT. 5. *Be it further enacted*, That any gift, grant, bequest or devise made, or that hereafter may be made to the said trustees or their successors, shall be valid and effectual to all intents and purposes whatever, and they are hereby empowered to hold real and personal estate, the annual income of which shall not exceed six hundred dollars : *provided*, that the entire income be strictly appropriated to promote the objects of this corporation, and also that the gifts, grants or donations be faithfully applied, according to the real intent and design of the donor.

Gifts, &c. to be valid.

Real and personal estate.

SECT. 6. *Be it further enacted*, That all deeds and instruments, which the said trustees may lawfully make in their said capacity, shall, when made in their name, and signed and sealed with their common seal, and delivered by them, be binding on said trustees and their successors, and be valid in law.

Deeds of trustees.

SECT. 7. *Be it further enacted*, That Seth Sprague, Esq. be and he is hereby authorized to appoint the time and place for holding the first meeting of said trustees, and to notify them thereof. [Jan. 28, 1824.]

First meeting.

An Act empowering the Centre School District, in the town of Worcester, to raise money.

Chap. 57.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the centre school district, in the town of Worcester, in the county of Worcester, be, and they hereby are authorized and empowered, at legal meetings called and held for that purpose from time to time, to vote and raise money, in addition to the monies voted and raised by the town, to be appropriated to the support of schools within said district, in such manner as the inhabitants of said district may direct ; and the said district shall have the same power and authority to grant and raise money for the support of schools in said district, as school districts now have by law to grant and appropriate money for the building and repair of school-houses within the same, and shall proceed in the same manner in relation thereto ; and the like proceedings shall be had in the assessment and collection thereof : *provided, nevertheless*, that nothing in this act contained

Power to raise money.

Proviso.

shall be construed to impair, or in any wise affect the rights and obligations of the town, in relation to the manner of granting and appropriating money to the support of schools within said town, nor the right of said district to a distributive share thereof, but the same shall be and remain as though this act had not been passed. [Jan. 27, 1824.] Add. act, 1825 ch. 94.

Chap. 58.

AN ACT to incorporate the Columbian Society in Marblehead.

Persons incor-
porated.

Powers and
privileges.

Real and per-
sonal estate.

First meeting.

Amount and
conditions of
shares.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William B. Adams, Russell Bailey, John Roundy, John Sparhawk, Jr., Samuel Homan, Nathaniel Brimblecom, Jr., John Orne, Jr., and their associates, successors and assigns, be, and hereby are incorporated and made a body politic forever, by the name of the Columbian Society of Marblehead, with power to have a common seal, to sue and be sued, to make and ordain from time to time a constitution, by-laws, rules and regulations for the government and management of the said corporation: *provided,* the same are not repugnant to the constitution of this Commonwealth; and that they have all the privileges usually given by acts of incorporation to literary societies.

SECT. 2. *Be it further enacted,* That said corporation may take, by purchase, gift, grant or otherwise, and hold real estate not exceeding the value of five thousand dollars, and personal estate not exceeding the value of ten thousand dollars, for the purposes and uses of said corporation.

SECT. 3. *Be it further enacted,* That any justice of the peace in the town of Marblehead be and is hereby authorized to call the first meeting of said society under this act, by posting notifications thereof in three public places in said Marblehead, which meeting shall be held at the hall of said society, at which the constitution and by-laws of said corporation shall be read, after which no alteration, amendment or addition to the constitution of said society shall be lawful, except the same shall have had three readings at three regular meetings of said corporation, and shall be agreed to by at least two thirds of the whole number of legal members who shall be resident on shore in said Marblehead.

SECT. 4. *Be it further enacted,* That whenever the amount of five hundred dollars shall be subscribed for by any person or persons, the treasurer of said corporation shall issue certificates to such persons, for as many shares which they shall have subscribed for, and paid in to said treasurer, calculating said shares at ten dollars each, which certificate [*certificates*] shall be made payable to the holders thereof, in twenty-one years from the eighth of January, in the year one thousand eight hundred and twenty-four, and bear interest thereon not exceeding half the rate of interest established by the laws of this Commonwealth, which interest, if any, shall be payable on the thirty-first day of December, annually, which fund shall be placed in the hands of one or more trustees appointed by said corporation, and the principal

thereof held inviolate and untouched: *provided*, that said certificates shall be countersigned by the president of said corporation.

SECT. 5. *Be it further enacted*, That the funds and property of said corporation shall never be divided among the members thereof, without the approbation of the Legislature of this Commonwealth, two thirds of the whole number of members of said corporation requesting the same. [*Jan. 28, 1824.*]

Division of funds.

An ACT to establish the First Parish in West Newbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the parish in West Newbury, which was formerly known and styled as the Second Parish in Newbury, shall hereafter be known and styled the First Parish in West Newbury, and hold, possess and enjoy all the rights and privileges now to them belonging, together with all the powers incident to parishes. [*Jan. 28, 1824.*]

Chap. 59.

An ACT to incorporate the Saxon Factory.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jeremiah Gore, John S. Harris, Stephen Gore, Jr., Ephraim Jones, Abner Wheeler, Benjamin Wheeler and Eliphalet Wheeler, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Saxon Factory, for the purpose of manufacturing wool at Frammingham, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Chap. 60.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and of such personal estate, not exceeding two hundred thousand dollars, as may be necessary for carrying on the factory aforesaid. [*Feb. 4, 1824.*]

Real and personal estate.

An ACT in addition to an Act, entitled an Act to incorporate the Proprietors of the New-England Museum, and Gallery of Fine Arts.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of the New-England Museum and Gallery of Fine Arts, their successors and assigns shall have restored to them, and there hereby are restored to them, all the rights and privileges to them granted in their act of incorporation, and which they were entitled by said act to enjoy at the time of its being granted: *provided*, the doings of said proprietors have not been contrary to the provisions of said act of incorporation.

Chap. 61.

1817 ch. 74.

Rights and privileges restored.

Proviso.

SECT. 2. *Be it further enacted*, That said proprietors of the New-England Museum and Gallery of Fine Arts, are hereby au-

Real and personal estate.

thorized and made capable in law in their corporate capacity, to hold and possess personal estate to the amount of forty thousand dollars, and real estate to the amount of thirty thousand dollars. [Feb. 4, 1824.]

Chap. 62.

An Act to incorporate the Norfolk Manufacturing Company.

Persons incor-
porated.

Powers and
privileges.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Lemist, Samuel H. Babcock, George Bird, I. Farnsworth, and Frederick A. Taft, together with such others as may hereafter associate with them, their successors or assigns, be, and they hereby are made a corporation, by the name of the Norfolk Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Dedham, in the county of Norfolk, and for this purpose, shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said Norfolk Manufacturing Company may lawfully hold and possess such real and personal estate as may be necessary and convenient for carrying on the said manufacture : *provided,* the value of such real estate shall not exceed the sum of fifty thousand dollars, and the value of such personal estate shall not exceed one hundred thousand dollars. [Feb. 4, 1824.]

Chap. 63.

An Act to incorporate the New-England Crown Glass Company.

Persons incor-
porated.

Powers and
privileges.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Deming Jarvis, Edmund Munroe, Daniel Hastings, Amos Binney, and their associates, successors, and assigns, be, and they are hereby made a corporation, by the name of the New-England Crown Glass Company, for the purpose of manufacturing crown window glass in the city of Boston, and town of Cambridge ; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding one hundred thousand dollars in value, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 4, 1824.]

An ACT to incorporate the Middlesex Iron Founding Company in the city of Boston, and town of Cambridge. *Chap. 64.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ezra Stone, Jonah Tenney, William Granville, A. P. Sherman, Joseph Shed, Amos Binney, William Rogers, and their associates, successors, and assigns, be, and they are hereby made a corporation, by the name of the Middlesex Iron Founding Company, for the purpose of casting and founding iron of all kinds, in the city of Boston, and town of Cambridge; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding one hundred thousand dollars in value, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [*Feb. 4, 1824.*]

Real and personal estate.

An ACT to incorporate the Boston and Ipswich Lace Company.

Chap. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Farley, William H. Sumner, Augustine Heard, and George W. Heard, with all such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Boston and Ipswich Lace Company, for the purpose of manufacturing lace, and other articles made of linen, silk, cotton, and woollen materials, in the town of Ipswich, in the county of Essex; and for that purpose, shall have all [*the*] powers and privileges, and be liable to all the duties and requirements contained in an act, entitled “an act defining the general powers and duties of manufacturing corporations,” passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

Real and personal estate.

SECT. 3. *Be it further enacted,* That any one or more of the persons above named are hereby authorized and empowered to call the first meeting of the members of said corporation, at such time and place as they may see fit to appoint, by advertising the same in any newspaper printed in the city of Boston, for the purpose of choosing officers, and making by-laws for the government of said corporation. [*Feb. 4, 1824.*]

First meeting.

Chap. 66. An ACT to incorporate and confirm the Proprietors of pews in the Meeting-house of the Second Church and Society in Boston, a religious Society by the name of the Second Church and Society of Boston.

Persons incor-
porated.

Power to ac-
quire and hold
real and person-
al estate.

To make con-
tracts and raise
monies.

By-laws.

First meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Parkman, James Foster, Enoch Patterson, Robert M. Barnard, and Gedney King, with all others, proprietors of pews in the meeting-house of the second church and society in Boston, who may become their associates in this behalf, and their successors, proprietors as aforesaid, be, and they are hereby made and constituted a body politic and corporate, by the name of the Second Church and Society of Boston; by which name, they may sue and be sued; and the said corporation shall have power to provide and use a common seal, to hold and acquire real estate, not exceeding the yearly income of four thousand dollars, and personal estate not exceeding the capital sum of fifty thousand dollars, and shall be, and they hereby are deemed in law to be seized and possessed of the said meeting-house, with all the lands under and adjoining the same, and thereto belonging, with the privileges and appurtenances, and all other real and personal estate, which the said Parkman, Foster, Patterson, Barnard, and King, and their associates as aforesaid, have in their capacity, as said proprietors, heretofore holden in common and undivided, as fully as the same meeting-house and other real and personal estate have, by them, heretofore been holden and possessed, reserving, however, to the several proprietors of pews in the said meeting-house, their right and interest in said pews, respectively.

SECT. 2. *Be it further enacted,* That the said corporation shall be entitled to all the rights and privileges, and be subject to all the contracts and obligations, heretofore by the said proprietors enjoyed and contracted, and shall be, and hereby are empowered, from time to time, to make such farther contracts, and to raise such sum or sums of money as they shall judge necessary for the maintenance and support of the public worship of God, and for the erection, maintenance, and repair of churches or other buildings, and for all other parochial and incidental charges whatever.

SECT. 3. *Be it further enacted,* That said corporation shall have, and hereby is deemed in law to have power to make and ordain all such rules and by-laws, for the purpose of holding meetings, establishing offices, and fixing the powers and duties thereof, and determining the mode of electing and appointing the officers therein, assessing and collecting taxes, and whatever else may be necessary and proper for the purpose for which said corporation is hereby created, as a majority of the members of said corporation shall agree to make and ordain: *provided,* the same be not repugnant to the constitution or laws of this Commonwealth.

SECT. 4. *Be it further enacted,* That the said Samuel Parkman, James Foster, Enoch Patterson, Robert M. Barnard, and

Gedney King, or any three of them, may cause the first meeting of the said proprietors to be called, for the purpose of making such rules and by-laws, and carrying into effect this act of incorporation, by causing a notification thereof, and of the time and place, to be posted up at the door of said meeting-house, at least seven days before the said meeting shall be holden. [*Feb.* 4, 1824.]

An Act to incorporate the South Boston Crown Glass Company.

Chap. 68.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Hunnewell, Samuel Gore, Samuel H. Walley, Henry G. Foster, and John S. Foster, with such other persons as already have or hereafter may associate with them, their successors, or assigns, be, and they are hereby made a corporation, by the name of the South Boston Crown Glass Company, for the purpose of manufacturing glass; and for that purpose, shall have all the powers and privileges, and be subject to all the requirements in an act passed the third day of March in the year of our Lord one thousand eight hundred and nine, entitled “an act for defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture of glass. [*Feb.* 4, 1824.]

Real and personal estate.

An Act to incorporate the First Congregational Society in Marblehead, in the county of Essex.

Chap. 69.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the persons who now are, or who hereafter shall be proprietors of the north meeting-house, in Marblehead, in the county of Essex, wherein the Reverend Samuel Dana officiates, and of the land under and adjoining the same, or of any other building which shall be provided and maintained by the same religious society, for their public worship, and of the land under and adjoining the same, be, and they hereby are incorporated and made a body politic and religious society, by the name of the First Congregational Society in Marblehead; and in that name may sue and be sued; and shall be invested with all the powers, privileges and immunities to which other religious societies in this Commonwealth are entitled by law; and shall be capable of purchasing and holding estate, real and personal: *provided,* that the annual income of the whole estate of said corporation, beside the meeting-house, shall not at any time exceed the value of three thousand dollars.

Persons incorporated.

Powers and privileges.

Proviso.

SECT. 2. *Be it further enacted,* That said proprietors be, and are hereby authorized and empowered to raise, by an assessment on the pews and seats in their meeting-house, such sum or

Power to raise money by tax on pews.

Proviso.

—And to sell
pews of delin-
quents.

Previous con-
tracts to be
binding.

sums of money for the settlement and maintenance of a minister, or ministers, repairing the house, and defraying the other expenses of public worship, with incidental charges, as they shall agree on, at any legal meeting, called for that purpose, and the same may assess, or cause to be assessed upon such pews and seats as the proprietors, at any such meeting, shall determine on, according to the respective valuation thereof, as recorded in the proprietors' book : *provided, however*, that exemptions from said assessment shall be extended to all such pews and seats as may be agreed on by the proprietors of the meeting-house, at their annual meeting : and the sums so assessed shall be paid by the proprietors of such pews and seats : and if any proprietor of a pew or seat shall neglect to pay any assessment which shall be legally made thereon, for one year after the same shall have been made, the standing committee of said proprietors shall be authorized and empowered to sell and convey such said pew or seat of any such delinquent proprietor, at public auction, first giving notice thereof, fourteen days, at least, previous to the sale, by posting up a notification at the door of said meeting-house, and upon such sale, to execute a good and sufficient deed or deeds thereof ; and after deducting the amount of said delinquent's assessment, together with the legal interest thereon, from the time the same was made, and all incidental charges, the said committee shall pay the surplus, if any there be, to such delinquent proprietor.

SECT. 3. *Be it further enacted*, That all contracts heretofore made by the said proprietors, with their minister or others, shall devolve and be binding upon them by their name and in their corporate capacity aforesaid ; and all the votes and doings of said proprietors, so far as the same are not repugnant to the laws of this Commonwealth, shall be good and valid in law, and of the same force and virtue as though they had been passed under this act. [*Feb. 7, 1824.*]

Chap. 70.

An ACT to incorporate the Dudley Woollen Manufacturing Company.

Persons incor-
porated.

Powers and
privileges.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Brown, Nathaniel Lyon, Perez B. Wolcott, and Samuel H. Babcock, their associates, successors, and assigns, be, and they are hereby made a corporation, by the name of the Dudley Woollen Manufacturing Company, for the purpose of manufacturing wool at Dudley, in the county of Worcester : and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal es-

tate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

SECT. 3. *Be it further enacted*, That John Brown be, and he is hereby authorized to appoint the time and place for holding the first meeting of said corporators, and to notify them thereof, either by personal notice, or otherwise. [Feb. 6, 1824.] First meeting.

An Act to incorporate the Atlas Insurance Company.

Chap. 71.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Adams Wells, William Savage, William H. Bordman, Jeremiah Fitch, Charles P. Curtis, and Samuel Austin, Junior, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Atlas Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties, and obligations contained in a law of this Commonwealth, entitled “an act to define the powers, duties, and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord eighteen hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies in this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said corporation. Persons incorporated.

Powers and privileges.
1817 ch. 120.

1819 ch. 141.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money within ninety days after the first meeting of the said company, and the residue within one year from the passing of this act, in such instalments and under such penalties as the president and directors shall in their discretion direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto for and during the term of one year after the said company shall go into operation; and if the provisions of this act shall not be complied with, in one year from the first meeting, the same shall then be void. Capital stock and shares.

Condition of charter.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine directors, one of whom shall be the president Directors.

Manner of election.	<p>thereof, who shall hold their offices for one year and until others are chosen, and who shall, at the time of their election, be stockholders in said company and citizens of this Commonwealth: and shall be elected on the second Monday in March in each and every year, at such time of the day and in such place in Boston as a majority of the directors present at any legal meeting thereof, from time to time, shall appoint; of which election public notice shall be given in two of the newspapers printed in Boston, and continued for the space of ten days immediately preceding such election; and the election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share in the capital stock: <i>provided</i>, that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors shall not be chosen on the second Monday in March as aforesaid, it shall be lawful to choose them on any other day, giving notice in manner aforesaid. And it shall be the duty of the secretary of the company, at any time, upon application in writing of the proprietors of one fifth part of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in said Boston as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is required for the election of directors.</p>
Right of voting.	
Secretary may call meetings of stockholders.	
Choice of president.	<p>SECT. 4. <i>Be it further enacted</i>, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall be sworn (or affirmed) to the faithful discharge of the duties of his office, and shall remain in office one year, and until another shall be chosen. And in case of the death, resignation or inability to serve, of the president or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be notified and held in the same manner as is herein prescribed respecting annual elections of directors.</p>
Board of directors.	<p>SECT. 5. <i>Be it further enacted</i>, That the president, and in his absence one of the directors, shall preside at all meetings of the corporation and of the board of directors, and the president and four directors, or five of them in his absence, shall be a board competent to the transaction of any and all business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such rules, regulations and by-laws, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and the duties and conduct of the several officers, clerks and servants employed, and the election of the directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary, and as many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board</p>
By-laws.	
Salaries of officers.	

shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted*, That the said Insurance Company shall be located and kept in the city of Boston, and it shall be liable to be taxed by any general law providing for the taxation of all similar corporations, which are by law liable to be taxed. Company liable to taxation.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk against fire or other risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum of the capital stock of the said company actually paid in, agreeably to the provisions of this act. Limitation of risks.

SECT. 8. *Be it further enacted*, That any two or more of the persons named in this act are hereby authorized to call the first meeting of the said company, by advertising the same for two successive weeks in two newspapers printed in Boston, for the purpose of electing their first board of directors, who shall continue in office till the second Monday in March, in the year of our Lord eighteen hundred and twenty-five, and until others shall be chosen in their stead: *provided*, that the said company shall not take any risk, nor subscribe any policy by virtue of this act, until one hundred and fifty thousand dollars of the capital stock aforesaid shall have been actually paid in: *and provided*, *further*, that this charter shall be null and void unless put in operation within one year from the passing of this act. [*Feb. 6, 1824.*] First meeting.
Proviso.

An Act to change the names of the persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several persons herein named, shall hereafter be known and called by the names they are hereby allowed to assume, viz.:

That William Cleverly, of Weymouth, may take the name of William Coolidge; that Rachel Cleverly, wife of William Cleverly of Weymouth, may take the name of Rachel Coolidge; that Phebe Thayer Cleverly, of Weymouth, minor, may take the name of Phebe Thayer Coolidge; that William Beal Cleverly, of Weymouth, minor, may take the name of William Beal Coolidge; that Charles Cleverly, of Weymouth, minor, may take the name of Charles Coolidge; that Lucy Ann Cleverly, of Weymouth, minor, may take the name of Lucy Ann Coolidge; that Thomas Haskins, may take the name of Thomas Waldo Haskins; that Mary Holden Jackson, may take the name of Mary Howard Jackson; that James Brewer, of Boston, a minor, son of Elizabeth Brewer, may take the name of James Hamilton Brewer; that Elam Clark, Jr., of Easthampton, may take the name of Elam Calhoun Clark; that George Callender, of Boston, son of the late Joseph Callender, grocer, may take the name Names changed.

Chap. 72.

of George Henry Callender ; that Ashbell Brigham, of Boston, may take the name of William Ashbell Brigham ; that John Andrews, of Boston, may take the name of John Brooks Andrews ; that Jesse J. Sleeper, of Boston, may take the name of Romanzo Warwick Montgomery ; that Hervey Dival, of Winchendon, county of Worcester, may take the name of Abel Hervey Wilder ; that Lilbourne Boyd Drane, a member of Harvard University, may take the name of Robert Brent Drane ; that William Metcalf Cobb, of Holden, minor, may take the name of William Cobb Metcalf ; that Bela Burns, of Boston, may take the name of William Lovejoy Burns ; that Jeremiah Sprague, of Boston, may take the name of George James Sprague ; that John Haven Dexter, of Boston, merchant, son of Aaron Dexter, physician, may take the name of John Coffin Dexter ; that Elizabeth Knapp, of Newburyport, a minor, daughter of Mary Knapp, widow, may take the name of Jane Knapp ; that Mary Adams, of Newburyport, may take the name of Mary Hills Adams ; that Lyman Stetson, son of Bela Stetson, of Chesterfield, may take the name of William Lyman Stetson ; that Mary Emerson Knight, daughter of Joseph Knight, of Newbury, minor, may take the name of Mary Jane Knight ; that John Peirce Batchelder, of Danvers, may take the name of John Batchelder Peirce ; that James New, of Boston, may take the name of James Edwards New ; that Shepherd Gifford, of Westport, may take the name of Charles Shepherd Gifford ; that Barker Gifford, of Westport, may take the name of Stephen Barker Gifford ; that James Laha, of Gloucester, may take the name of James Green ; that Jonathan Hitchcock, of West Stockbridge, may take the name of Jonathan Wright Hitchcock ; that Josiah Foster, fifth son of Josiah Foster, 3d, of Beverly, may take the name of Josiah Lovett Foster ; that Benjamin Knight Dunbering, of Salem, may take the name of Benjamin Knight ; that Tryphosa Kenrick, of Newton, may take the name of Mary Eleanor Kenrick ; that Archelaus Fuller, of Middleton, may take the name of Archelaus Putnam Fuller ; that Samuel Hazen, of Westborough, cooper, may take the name of Henry Otis ; that Stephen Glover Spurr, of Quincy, may take the name of Stephen Elisha Glover ; that Russell Glover Spurr, of Quincy, may take the name of Russell Edward Glover ; that Ebenezer Tarbox, Jr., of Charlestown, may take the name of Ebenezer Thorndike ; that Nathaniel Tarbox, son of Ebenezer Tarbox, Jr., of Charlestown, may take the name of Nathaniel Thorndike ; that Ebenezer Tarbox, son of Ebenezer Tarbox, Jr., of Charlestown, may take the name of Ebenezer Thorndike ; that Catherine Tarbox, daughter of Ebenezer Tarbox, Jr., of Charlestown, may take the name of Catharine Thorndike. And the several persons herein named shall hereafter be called and known by the names which by this act they are respectively allowed to assume aforesaid ; and the same shall be considered as their only proper and legal names. [Feb. 7, 1824.]

An Act continuing in force the Act establishing the Massachusetts Bay Canal Corporation. *Chap. 75.*

BE it enacted by the Senate and House of Representatives, in 1817 ch. 152.
General Court assembled, and by the authority of the same,
 That the act passed in the year of our Lord one thousand eight hundred and eighteen, entitled an act to establish the Massachusetts Bay Canal Corporation, with all and every article, clause, matter and thing therein contained, shall continue and be in full force, until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty; any thing in the said act to the contrary notwithstanding. [*Feb. 7, 1824.*]

An Act to incorporate the President, Directors and Company of the Mendon Bank.

Chap. 76.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Seth Hastings, Esek Green, Daniel Fiske, Jr., Seth Davenport, John Claffin, Jr., Benjamin Davenport, Eli Warren, Daniel Farnam, Warren Rawson, Amariah Taft, Samuel Wood and Caleb Hayward, with their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Mendon Bank; and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be and are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, or any other place whatever, and also to make, have and use a common seal, and to ordain, establish and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns: *provided,* such by-laws, ordinances and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth: and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein contained.

Persons incorporated.

By-laws.

Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of said bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year, after the first meeting of said corporation, or at such earlier time as the stockholders, at any meeting, may direct, and no dividend of profit shall be declared or paid on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents,

Capital stock.

Transfer of stock.

Real estate.

	tenements and hereditaments, to the amount of three thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper : <i>provided, however</i> , that nothing herein contained shall prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debt due to said corporation : <i>and provided, further</i> , that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in the vaults of the same, shall amount to twenty-five thousand dollars.
Provisos.	
1811 ch. 84.	SECT. 3. <i>Be it further enacted</i> , That the rules, limitations and provisions, which are provided in and by the third section of an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established, excepting that the bond, to be given by the cashier, shall be in the penal sum of twenty thousand dollars, and the number of directors to be annually chosen, shall be nine, five of whom shall constitute a quorum for the transaction of business :
Bond of cashier.	<i>provided</i> , that the amount of the bills of said bank in circulation, shall not at any time exceed fifty per centum beyond the amount of the capital actually paid in.
Number of directors.	SECT. 4. <i>Be it further enacted</i> , That said bank shall be established and kept in the town of Mendon.
Proviso.	SECT. 5. <i>Be it further enacted</i> , That any committee, specially appointed for that purpose by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults ; and, if upon examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation may thereupon be declared forfeited and void.
Location.	SECT. 6. <i>Be it further enacted</i> , That the persons herein before named, or any of them, are authorized to call a meeting of the members and stockholders of said corporation, at a convenient time and place, by advertising the same, three weeks successively, in the Massachusetts Spy and National Ægis, two papers printed at Worcester, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.
Committee of the Legislature may examine into the doings of the bank.	SECT. 7. <i>Be it further enacted</i> , That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding twenty-five thousand dollars, to be added to the capi-
First meeting.	
Commonwealth may subscribe to capital stock.	

tal stock herein before provided for. And whenever the Commonwealth shall become so interested in said bank, the Governor and Council shall have a right to appoint four additional directors for the management of the same.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank altered to a larger amount in the course of its circulation, notwithstanding such alteration.

Corporation to pay original amount of altered notes.

SECT. 9. *Be it further enacted*, That the said corporation shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock, which shall have been actually paid in.

Tax.

SECT. 10. *Be it further enacted*, That one tenth part of the whole capital of said bank shall always be appropriated to loans, to be made exclusively to citizens of this Commonwealth, wherein the directors shall particularly regard the agricultural and manufacturing interest in the same ; which loans shall be made in sums not exceeding five hundred dollars, nor less than one hundred dollars, to be secured by the personal bond of the borrower, and a satisfactory mortgage of real estate, as collateral security, for a term not less than one year ; the interest on all such loans to be paid annually, and the estate so mortgaged, subject to the same forfeitures, and entitled to the same rights of redemption as is by law provided in other cases.

Loans.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding twenty per centum of the amount of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum.

Loans to the State.

SECT. 12. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this act ; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void. [Feb. 7, 1824.] Add. acts, 1824, ch. 142 : 1830, ch. 58 : 1832, ch. 119.

Condition of charter.

[Time enlarged. 1824 ch. 142.]

An ACT in addition to "An Act to incorporate the Blackstone Canal Company."

Chap. 77.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Blackstone Canal Company be, and it is hereby authorized and empowered to open books in the manner pointed out in the act to which this is an addition, to receive subscriptions for stock to construct and complete a canal from the village in Worcester to tide-water in the town of Providence, in the state of Rhode Island, and to create, if necessary, new stock for that purpose in the manner in said act mentioned ; and the

1822 ch. 27.

May construct a canal from Worcester to Providence.

subscribers or owners of such shares or stock, shall be members of said corporation, in the same manner as if the subscriptions had been made for stock in a canal from said village to the boundary line of this state, as in said act is provided; and all monies so raised by subscription or by the sale of new stock may be applied to constructing a navigable canal from said village in Worcester, to tide-water in said Providence, and also to constructing any of the works in said act mentioned, whenever the same may be found necessary on said route. And the said corporation may be organized and transact its concerns by subscribers or owners of such stock, and hold its meetings in such places as may be deemed expedient, whether in this state or not: *provided, however*, that nothing contained in this act shall have the effect of diminishing the power or privileges granted by the act to which this is an addition.

Organization. **SECT. 2.** *Be it further enacted*, That the corporation of said Blackstone Canal Company may be organized in the manner pointed out in the tenth section of the act to which this is an addition, whenever one hundred shares in the capital stock of said corporation shall be subscribed for: any thing in the said act to which this is in addition to the contrary notwithstanding. [*Feb. 7, 1824.*] Add. acts, 1825 ch. 144: 1826 ch. 74.

Chap. 79.

An Act to incorporate the Easton Grammar School and Chapel.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of Easton, in the county of Bristol, a grammar school by the name of the Easton Grammar School and Chapel, for the purpose of promoting religion and morality, and for the education of youth in such of the liberal arts and sciences, as the trustees for the time being shall direct, and that Rev. Luther Sheldon, Howard Lothrop, and deacon Abijah Reed, are nominated and appointed trustees; and they are hereby incorporated into a body politic, by the name of the Easton Grammar School and Chapel, and they and their successors shall be a body politic by that name forever.

Powers and privileges. **SECT. 2.** *Be it further enacted*, That the said trustees of said institution may have a common seal, which they may change at pleasure, that the trustees may sue and be sued in all actions real or personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Easton Grammar School and Chapel, and may appoint an agent or agents to prosecute and defend such suits.

Possession of property confirmed. **SECT. 3.** *Be it further enacted*, That all lands, monies, or other property heretofore given or subscribed, for the purpose of erecting or establishing a grammar school and Chapel, or which shall hereafter be given, granted, or assigned to the said trustees, shall be confirmed to the said trustees and their successors in that trust forever, for the uses which in such instruments are or shall be expressed, provided such uses shall not be repugnant to the

design of this act. And the said trustees shall be further capable of having, taking, and holding in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal : *provided*, the annual income of the whole shall not exceed the sum of three thousand dollars, and shall apply the interest, rents, and profits, so as most effectually to promote the design of the institution. Proviso.

SECT. 4. *Be it further enacted*, That the said trustees for the time being, shall be the visitors and governors of said institution, shall have full power, from time to time, to elect such officers thereof as they shall judge necessary, and fix the tenure of their respective offices, to remove from office any trustee, when he shall become incapable, from age or otherwise, of discharging the duties of his office, the trustees then surviving shall elect one or more persons to fill the vacancy or vacancies, and to make and ordain reasonable orders, rules, and by-laws, not repugnant to the laws of this Commonwealth, for the good government of said institution, as to them may seem fit and requisite. Trustees may elect officers and make by-laws.

SECT. 5. *Be it further enacted*, That the number of trustees aforesaid shall not at any one time, be more than five, nor less than three, a majority of whom shall be necessary to constitute a quorum for transacting business. Number of trustees.

SECT. 6. *Be it further enacted*, That Cyrus Lothrop, Esq. be, and he is hereby authorized and empowered to appoint the time and place for holding the first meeting of said trustees, and notify them accordingly. [Feb. 7. 1824.] First meeting.

An ACT to incorporate an Academy in the town of Wilbraham, by the name of the Wesleyan Academy.

Chap. 80.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of Wilbraham, in the county of Hampden, an academy for the purpose of promoting religion and morality, and for the education of youth in such of the liberal arts and sciences, as the trustees for the time being shall direct ; and that Amos Binney, Abel Bliss, Abraham Avery, Calvin Brewer, Enoch Mudge, Jr., Wilbur Fisk, Joshua Crowell, William Rice, John Lindsey, be nominated and appointed trustees, and they are hereby incorporated into a body politic, by the name of the Trustees of the Wesleyan Academy ; and they and their successors shall be and continue a body politic, by that name forever. Persons incorporated.

SECT. 2. *Be it further enacted*, That all lands, monies, or other property, heretofore given, or subscribed, for the purpose of erecting or establishing an academy as aforesaid, or which shall hereafter be given, granted, or assigned to the said trustees, shall be confirmed to the said trustees, and their successors in that trust, forever, for the uses, which in such instruments shall be expressed ; and the said trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal : *provided*, the annual income of the same shall not exceed the sum of ten Gifts, &c. confirmed. Proviso.

thousand dollars ; and shall apply the profits thereof, so as most effectually to promote the designs of the institution.

Power and duty of trustees.

SECT. 3. *Be it further enacted*, That the said trustees for the time being, shall be the governors of said institution ; shall have full power from time to time, to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices ; to remove from office any trustee, when he shall become incapable, from age or otherwise, of discharging the duties of his office : or when, in the judgment of a majority of the trustees, he is an improper person to hold such office ; to fill all vacancies that may happen in the board of trustees, to determine the times and places for holding their meetings, the manner of notifying the trustees, the method of electing members of the board : to elect instructors and prescribe their duties ; to make such by-laws as they may think proper, with reasonable penalties, for the government of the institution, provided the same be not repugnant to the laws of this Commonwealth.

Common seal.

SECT. 4. *Be it further enacted*, That the trustees of said academy may have a common seal, which they may change at pleasure ; and all deeds, sealed with said seal, and delivered and acknowledged by the secretary of said trustees, by their order, shall be good and valid in law ; and said trustees may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Wesleyan Academy.

Number of trustees.

SECT. 5. *Be it further enacted*, That the number of said trustees shall never exceed fifteen, nor be less than nine, five of whom shall be necessary to constitute a quorum for doing business, but a less number may from time to time adjourn until a quorum can be constituted.

First Meeting.

SECT. 6. *Be it further enacted*, That Amos Binney and John Lindsey be, and they are hereby authorized and empowered to fix the time and place for holding the first meeting of the trustees, and to notify them thereof. [Feb. 7, 1824.]

Chap. 81.

AN ACT establishing the Watertown Turnpike Corporation.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Gray, Marshall B. Spring, David Moody, Thomas Bartlett, and Amos Lawrence, together with their associates, successors, and assigns, be, and they are hereby incorporated, by the name of the Watertown Turnpike Corporation, for the purpose of making a turnpike road, from the termination of the road made by the Boston and Roxbury mill corporation, in Brighton, to a point on the southern bank of Charles river, nearly opposite to the lower wharf of the United States' arsenal, thence, with the consent of the proper authorities of the government of the United States, and not otherwise, across Charles river, by a bridge, to the land adjoining said arsenal above the said wharf, and through the same land in the course and manner prescribed by the said authorities ; and thence in the straightest

convenient course to the square in Watertown, with all the powers and privileges, and subject to all the duties, requisitions, and penalties, established by the act entitled “an act defining the general powers and duties of turnpike corporations,” and the several acts in addition thereto. And the same corporation shall have power to occupy so much of the marshes over which said road shall pass, as shall be requisite for the purpose of making canals where the same are necessary : *provided*, that neither of the towns of Watertown or Brighton, shall ever be compelled to support any part of said road or bridge without their own consent.

Powers and
privileges.
1804 ch. 125.

Proviso.

SECT. 2. *Be it further enacted*, That the corporation hereby established, may erect any toll gate upon the said road, at such place as they may find most convenient for collecting the tolls, and shall be entitled to demand and receive from each traveller or passenger the same tolls which the Ninth Massachusetts Turnpike Corporation is now authorized to receive at its gate in Bellingham, by an act passed on the eighth day of February last, and no greater : *provided, however*, that the Legislature may at any time reduce the said rates of toll, so that the net proceeds thereof may not exceed six per cent. per annum, calculating upon the average dividends of the three preceding years.

Tolls.

1822 ch. 67.
Proviso.

SECT. 3. *Be it further enacted*, That the joint committee of the Senate and House of Representatives, on the subject of bridges, turnpikes and canals, or a majority of them, be, and they hereby are authorized to perform all the duties of a committee, for laying out the road herein above described, and their return, made to the court of sessions, in the county of Middlesex, shall be as valid and effectual in law, as that of any committee which might be appointed by said court for the same purpose. [*Feb. 7, 1824.*]

Committee of
Legislature
may lay out
road and make
return.

AN ACT to incorporate the First Universalist Society in Bernardston.

Chap. 82.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Bascom, Stephen Webster, Joseph Davis, David Ryther, George Alexander, Samuel Picket, Jonathan Connable, David Newell, Dorus Bascom, Elizur Chamberlain, Horace Atherton, Solomon Allen, Izatus Sheldon, James Doly, Rufus Horsley, Anson Hitchcock, Charles J. Ryther, John T. Goodrich, Joel Lyons, Smith Hodges, Roswell Purple, Lyman Darling, John Lyon, Louis C. Scott, Linus Stephen Prouty, Nathaniel Tyler, Simeon Allen, Oliver Cook, Jr., Isaac Burrows, Ezra Shattuck, Gideon Ryther, Oliver Wilkinson, Wass Hillman, Amos Davis, Israel Phillips, Israel Phillips, Jr., Samuel Picket, Jr., Pierce Chase, Francis Munn, Phillip Newell, Pliny Warner, Solomon Chapin, Henry Bascom, Jonathan Atherton, Quartus Nash, Ezra Connable, Chester Bascom, Amos Carrier, Benjamin Smith, Joseph Picket, Rufus Scott, Joab Scott, Stephen N. Scott, Alexander Ryther, John Clark, Joseph Atherton, Jr., Josephus Slate, Calvin

Persons incor-
porated.

Powers and
privileges.

Real estate.

Record of
deeds.

First meeting.

Cushman and Aaron Spaulding, being inhabitants of several towns in the county of Franklin, with their families and estates, together with such others, living within the said county, as may hereafter associate with them, and their successors, be, and they hereby are incorporated into a society, by the name of the First Universalist Society in Bernardston, with all the privileges, powers and immunities, which other religious societies in this Commonwealth are by law entitled to ; and may purchase, receive by gift, or otherwise, real estate, the value of which shall not exceed the sum of four thousand dollars.

SECT. 2. *Be it further enacted*, That it shall and may be lawful, for all deeds hereafter to be given, on the sale of any interest in the meeting-house erected for the use of the said society, to be recorded by the clerk of said society, in a book to be especially provided for that purpose ; and all deeds, legally executed and recorded as aforesaid, shall be deemed sufficient in law, any law or usage to the contrary notwithstanding.

SECT. 3. *Be it further enacted*, That any justice of the peace for the county of Franklin, upon application therefor, be, and hereby is authorized and empowered to issue his warrant to some member of said society, requiring him to notify the first meeting of said society, at such convenient time and place as may be appointed in said warrant, for the election of officers, and to transact such other parochial business as may be authorized in said warrant. [*Feb. 7, 1824.*]

Chap. 83.

An ACT to enable the First Congregational Society in the town of Falmouth to dispose of certain real estate.

May sell par-
sonage lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the First Congregational Society in Falmouth be, and they are hereby authorized and empowered to sell and convey in fee simple, all the real estate of said society, consisting of the ministerial or parsonage lands thereof ; and for this purpose, at any legal meeting of the said society, to choose a committee, consisting of not less than five, nor more than twelve members of the society, whose duty it shall be to sell and dispose of the lands aforesaid, either at public or private sale, for cash or on credit as they may deem best, and to make, execute and acknowledge a good deed or deeds thereof in behalf of said society, which deed or deeds shall be good and effectual in law, to pass and convey the fee simple from said society, to the purchaser, to all intents and purposes whatever.

Income of funds
appropriated to
the support of
the ministry.

SECT. 2. *Be it further enacted*, That the proceeds arising from the sale of said lands, shall be placed by the committee before named, in some public fund or bank stock, or put out at interest, at the discretion of said committee, the income arising from which fund shall be appropriated towards the support of the gospel ministry in said society.

Committee to
manage funds.

SECT. 3. *Be it further enacted*, That the said society may, and shall, at a legal meeting thereof, held within one year after the said monies and proceeds shall so have been invested, and

thereafterwards, annually, choose a committee of the members of said society, whose duty it shall be to manage said fund for the purposes aforesaid, and who shall hold their offices for one year, and until others are elected in their stead. [Feb. 7, 1824.]

An ACT to incorporate the Salem Lead Manufacturing Company.

Chap. 84.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Peabody, John Derby, Jarathmiel Pierce, Pickering Dodge, Stephen Phillips, and their associates, successors and assigns, shall be, and they are hereby constituted a body politic and corporate, by the name of the Salem Lead Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, defend and be defended in any court of record, or in any place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic ought to do and suffer : and shall have power to make, have and use a common seal ; and the same again at pleasure to break, alter and renew. And the said company shall have all the powers and privileges, and be subject to all the duties, contained in an act, entitled “an act defining the general powers and duties of manufacturing corporations,” passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and any other acts additional thereto, which shall have been passed from time to time.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation be, and the same is hereby empowered to establish, manage and carry on the manufacture of lead and copper, in their various branches, and such other lawful manufactures, as can be conveniently managed and carried on by the said company ; and to purchase, take, hold and convey real and personal estate of every kind, to such an amount as they may find necessary or convenient in the management of their concerns : *provided*, the same shall not exceed the sum of fifty thousand dollars in real estate, nor one hundred and fifty thousand dollars in personal estate ; and the same to manage, improve, change and sell at their pleasure, and to erect on their real estate, to be purchased and held by them as aforesaid, all such buildings, machines, works and improvements, as they may deem necessary or useful in carrying on and managing their manufactures and works, and in conducting the business of the corporation. And the whole of the corporate property shall be divided into shares, as the said corporation shall direct.

Real and personal estate.

Proviso.

[Amount increased
1830 ch. 25.]

Shares.

SECT. 3. *Be it further enacted,* That the said corporation be, and are hereby authorized to raise such sums of money, as may, from time to time, be necessary for effecting the objects of the said corporation, by equal assessments on the several shares therein ; and the time when such assessments become due and payable, shall be made known to each proprietor, by the clerk of the said corporation, by written notice, left at his last and usual place of abode, or by letter addressed to him, by mail, or by public notice as the corporation may direct. And the

Power to raise money by assessments on shares.

Sale of shares of delinquents. treasurer of said corporation is hereby authorized to sell at public auction, the share or shares of any proprietor, who shall neglect to pay the assessments laid thereon, within ten days after the same shall become due and payable, as aforesaid ; or so many of such shares, as shall be necessary for that purpose, giving notice of the time and place of such sale, in one of the newspapers printed in Salem, or in one, in which the laws of this Commonwealth are ordered to be printed for the time being, thirty days, at least, before the time of such sale ; and a deed of such share or shares, duly executed and acknowledged by the treasurer and recorded, shall be a valid conveyance of such delinquent proprietor's share or shares, to the purchaser thereof ; and the surplus money, arising from such sale, if any remain (after paying the assessments due and interest thereon, from the time when the same became due, as also all the charges and expenses of such sale,) shall be paid to such delinquent proprietor, or his assigns ; or the said corporation may recover the amount of such assessments and interest with costs in an action of debt, in any court having jurisdiction thereof, as they shall elect and determine.

Assessments recovered by action of debt.

Election of officers, and by-laws.

Right to vote.

SECT. 4. *Be it further enacted*, That the proprietors aforesaid, shall meet at such times, as shall be provided for, in their by-laws, for the purpose of electing such officers, as they shall find necessary, and for transacting any other business, relating to the objects of their incorporation ; and every proprietor present, or represented, at any such meeting, shall be entitled to as many votes as he has shares. And in voting for assessments on the shares of the said corporation, three fourths of the votes cast, shall be required, to make such assessments binding on the members thereof.

First meeting.

SECT. 5. *Be it further enacted*, That the said Joseph Peabody, or either of the aforementioned persons, is hereby authorized to call the first meeting of the said corporation by written notice, to be left at the last and usual place of abode of each proprietor, or by letter addressed by mail, or by public notice, at least seven days previous to the said meeting ; at which first meeting, the proprietors present shall choose a clerk, who shall be sworn to the faithful discharge of his duties. [*Feb. 7, 1824.*] Add. act, 1830 ch. 25.

Chap. 85.

An ACT to incorporate the Washington Fire and Marine Insurance Company.

Persons incorporated.

[Name changed 1836 ch. 262.]

Powers and privileges.

1817 ch. 120.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Oliver Keating, Tobias Lord, Benjamin Guild, John Skinner and Ralph Haskins, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Washington Fire and Marine Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled “an act to define the powers, duties and restrictions of insurance companies,” passed on the sixteenth day

of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies of this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said company.

1819 ch. 141.

Real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, one hundred thousand dollars of which shall be paid in money, within sixty days after the first meeting of the said company, and the residue within one year from the passing of this act, in such instalments, and under such penalties, as the president and directors shall in their discretion direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation; and if the provisions of this act shall not be complied with, within one year from the first meeting, then the same shall be void.

Capital stock.

Shares.

Instalments.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company and citizens of this Commonwealth, and shall be elected on the first Monday of May in each and every year, at such time of the day, and in such place in Boston, as a majority of the directors for the time being shall appoint, of which election public notice shall be given in two of the newspapers printed in Boston, and continued for the space of ten days immediately preceding such election; and the election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share in the capital stock: *provided*, that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors shall not be chosen on the first Monday in May as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in said Boston, as they

Number and election of directors.

Votes.

Secretary shall call meeting upon application of proprietors.

shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of directors.

Choice of president.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed, to the faithful discharge of the duties of his office, and who shall preside for one year. And in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled for the remainder of the year, in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

Board of directors.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a secretary, and as many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the president as to the said board shall seem meet : *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Proviso.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same for two successive weeks in the Columbian Centinel, Boston Patriot and Daily Advertiser, printed in Boston, for the purpose of electing their first board of directors, who shall continue in office till the first Monday in May in the year of our Lord then next ensuing, and until others shall be chosen in their stead : *provided, however*, that this charter shall be void and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act : *and provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one hundred thousand dollars of the capital stock of said company shall have actually been paid in.

Provisos.

Limitation of risks.

SECT. 7. *Be it further enacted*, That said company shall never take on any one risk against fire, or other risk, or loan on respondentia, or bottomry on any one bottom, at any one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid agreeably to the provisions of this act.

Location.

SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

SECT. 9. *Be it further enacted*, That the said Washington Fire and Marine Insurance Company shall be liable to be taxed by any general law, providing for the taxation of all similar corporations, which are by law liable to be taxed. [*Feb. 7, 1824.*] Add. act, 1836 ch. 262. Liable to taxation.

An Act to incorporate the Globe Fire and Marine Insurance Company.

Chap. 86.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Enoch Silsby, Lewis Tappan, and Robert Watterston, with their associates, successors, and assigns be, and they are hereby incorporated into a body politic, by the name of the Globe Fire and Marine Insurance Company, for and during the term of twenty years, from and after the passing of this act, with all the privileges granted to insurance companies, and subject to all the restrictions, duties, and obligations contained in a law of this Commonwealth, entitled “an act to define the powers, duties, and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies in this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said company: *provided*, they shall not hold real estate exceeding the value of seventy thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company. Persons incorporated.

Privileges and restrictions.

1817 ch. 120.

1819 ch. 141.

Real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits, arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money, within ninety days after the first meeting of said company, and the residue in money to be paid, twenty-five per centum thereof in six months, and twenty-five per centum in one year from and after said first meeting, under such penalties as three-fourths of the directors may determine; and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after said company shall go into operation as aforesaid. Capital stock.

[Reduced 1834 ch. 9.]

Instalments.

[Time for paying last instalment extended by St. 1824 ch. 72, and 1829 ch. 28.]

SECT. 3. *Be it further enacted*, That the property, affairs, and concerns of said company shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their election, which shall be on the second Monday of March in every year, at such time Number and election of directors.

- of the day, and place in Boston, as a majority of the directors, for the time being, shall appoint : notice of which election shall be given in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written ballots ; and by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than thirty votes ; and absent stockholders may vote by proxy. And if from any cause, the directors shall not be chosen on the second Monday in March aforesaid, it shall be lawful to choose them on any other day in manner herein provided. And it shall be the duty of the secretary of said company, upon application in writing, made by the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, by giving like notice thereof, as is herein prescribed for the election of directors.
- Right of voting.** SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year ; and in case of death, resignation, or inability to serve, of the president, or any of the directors, such vacancy or vacancies may be filled, for the remainder of the year, by the surviving and continuing directors.
- Secretary, upon application, to call meeting of stockholders.** SECT. 5. *Be it further enacted*, That the president and two of the directors, or three directors in the absence of the president, shall be a board competent to the transaction of the business of the company ; and all questions before them shall be decided by a majority of the board ; and they shall have power to make such rules and by-laws as they may deem proper for the management of the affairs, and security of the property of said company ; and have power to appoint a secretary, and such other officers as they may think expedient, and make such compensation as they may deem adequate to the services performed : *provided*, that such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.
- Choice of president.** **Board of directors.** **By-laws, &c.** **Proviso.** **First Meeting.** **Condition of charter.** **Location.** **Limitation of risks.**
- SECT. 6. *Be it further enacted*, That any two of the persons named in this act are hereby authorized to call a first meeting of this company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding such first meeting : *provided, however*, that this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act : *provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.
- SECT. 7. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.
- SECT. 8. *Be it further enacted*, That the said company shall never take on any one risk, or loan, on respondentia, or bottomry, on any one bottom, at any one time, including the sum in-

sured in any other way, on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act.

SECT. 9. *Be it further enacted*, That the said Globe Fire and Marine Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations, which are by law liable to be taxed. [*Feb. 9, 1824.*] Add. act, 1824 ch. 72 : 1829 ch. 28 : 1834 ch. 9.

Liable to taxation.

AN ACT to incorporate the Boston Copper Manufacturing Company.

Chap. 87.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George C. F. Andrews, James Bartlett, and Isaac Washburn, and their associates, successors, and assigns, be, and they hereby are made a corporation, by the name of the Boston Copper Manufacturing Company, for the purpose of smelting and rolling sheet copper and copper bolts, and casting copper composition and metals of all kinds, in the town of Boston and Cambridge; and for the purposes aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations;” and the several acts in addition thereto.

Persons incorporated.

Powers.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate not exceeding one hundred thousand dollars in value, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [*Feb. 9, 1824.*]

Real and personal estate.

AN ACT to establish the Salem Marine Railway Corporation.

Chap. 88.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Stephen Phillips, William P. Richardson, Pickering Dodge, James Cook and Joseph A. Peabody, all of Salem, in the county of Essex, and such other persons as have associated, and may hereafter associate themselves with them, be, and they hereby are made a body politic and corporate, by the name of the Salem Marine Railway Corporation, for the purpose of making and supporting a marine railway in the town of Salem; and by that name, they and their successors may sue and be sued, and generally do and execute whatever by law shall appertain to bodies politic and corporate, and shall be capable in law to take, and hold, in fee simple or otherwise, any lands, tenements and hereditaments, not exceeding in the whole the value of five thousand dollars, and shall also be capable in law to take and hold personal estate, not exceeding in the whole the sum of ten thousand dollars; and shall also have power to sell, demise, exchange, and otherwise dispose of or manage all or any part of their lands, tenements, hereditaments and personal estate aforesaid, for the benefit of said corporation, and shall also have a

Persons incorporated.

Real and personal estate.

- common seal, which they may break, alter and renew at their pleasure; and shall also have power to make by-laws with suitable penalties, and not repugnant to the laws of this Commonwealth.
- Number and value of shares. SECT. 2. *Be it further enacted*, That the whole property of said corporation shall be divided into one hundred and fifty shares, not exceeding the value of one hundred dollars each, and said shares shall be considered in all respects as personal estate; and the said corporation shall have power, from time to time, to assess upon each of said shares such sums of money as may be deemed necessary for the purposes of said corporation; and for the payment of any such assessment, the said corporation shall have power, after notice given pursuant to their by-laws in that behalf, to sell and dispose of the shares of delinquent proprietors, at such time and manner as the said corporation may determine; and in case of any sale of such shares aforesaid, a deed or deeds duly executed and acknowledged by the president of said corporation, or by any person authorized by said corporation, and recorded in their records, shall be as effectual to convey such delinquent proprietor's estate and interest in such shares, as if such deed had been made and executed by such proprietor himself.
- Sale of the shares of delinquents.
- First meeting. SECT. 3. *Be it further enacted*, That the first meeting of said corporation shall be called either by personal notice to each of the proprietors, or by advertisement in any of the public newspapers printed in Salem aforesaid, such notice or advertisement to be at least seven days before the day of such meeting; and at the said first meeting, or any other legal meeting, the said corporation may agree on the mode of calling and warning their annual and other meetings; and may elect a president, and such other officers as they may judge proper for the orderly conducting of their affairs and the management of their property, and may change or remove such officers at pleasure; and at all meetings, each proprietor present shall be entitled to one vote for each of his shares, and any absent proprietor shall be entitled to vote in like manner by proxy authorized in writing.
- Choice of officers.
- Right of voting. SECT. 4. *Be it further enacted*, That the several persons herein before named, or any two of them, be, and they hereby are authorized to call the said first meeting in manner aforesaid. [Feb. 9, 1824.]

Chap. 89.

An ACT to incorporate the First Baptist Society in Dighton.

- Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Peleg Francis, Nathan Simmons, George Horton, Jonathan P. Sears, Ebenezer Lee, Gideon Hicks, Daniel Witherell, Leander T. Wing, James Paull, Stephen Smith, Jr., Caleb Paull, David S. Smith, Percy N. Perce, Anson Horton, Seth Horton, Elisha K. Paull, Baylies Horton, Elisha Moulton, Philip Nichols, Thomas Lawton, Crummell Goff, George A. Goff, Ezekiel Smith, Simeon Percy, Ephraim R. Witherell, Asa Smith, Benjamin Pidge, Thos. Francis, Thos. H. Francis, Stephen Smith, Benjamin Smith, Constant

Simmons, George B. Simmons, G. Briggs, George Briggs, Jr., Nathan Briggs, Israel Lee, Seth S. Horton, Abdiel Bliss, Solomon Horton, Jathniel Peck, William W. Waldron, Cromwell Peck, Stephen Moulton, Joseph Nichols, Golon Nichols, Otis Nichols, Cyrus M. Wheaton, Alancy R. Lawton, Richard Goff, Jr., Richard Goff, Nelson Goff, Leonard Goff, Horatio Goff, Joseph Bowen, Darius Goff, George L. Horton, Orin N. Horton, Abdiel Bliss, Seth Talbert, Aaron M. Smith, Otis Peck, Nathan Hicks, Jotham Hicks, Stephen Bowen, Seneca Bliss, Talbot Horton, Darius Perry, Robert Whitmarsh, Enoch Wheeler, Ebenezer Gooding and Israel Pierce, their associates, successors and assigns, be, and they hereby are incorporated as a religious society, by the name of the First Baptist Society in Dighton, with all the powers and privileges, and subject to all the duties and liabilities of parishes and other religious societies, according to the constitution and laws of this Commonwealth.

Powers and
privileges.

SECT. 2. *Be it further enacted*, That any justice of the peace, for the county of Bristol, is hereby empowered, upon application therefor, to issue a warrant, directed to any freeholder and member of said First Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to organize said society, by the appointment of its officers. [Feb. 9, 1824.]

First meeting.

AN ACT to incorporate the Boston Mechanics' and Traders' Insurance Company.

Chap. 90.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel T. Armstrong, William Parker, Stephen Fairbanks, Uriel Crocker and Charles Ewer, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Boston Mechanics' and Traders' Insurance Company, with all the privileges and powers granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Persons incor-
porated.

Powers and re-
strictions.

1817 ch. 120.

1819 ch. 141.

Real estate.

Capital stock.	SECT. 2. <i>Be it further enacted,</i> That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money within ninety days after the first meeting of the said company, and the residue to be paid in money also, within one year from the passing of this act, under such penalties as the president and directors shall in their discretion direct and appoint: <i>provided, however,</i> that the said company shall not take any risk, or subscribe any policy by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.
Shares.	
Instalments.	
Proviso.	
Number and election of directors.	SECT. 3. <i>Be it further enacted,</i> That the stock, property, affairs and concerns of said company shall be managed and conducted by twelve directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall at the time of their election be stockholders and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day and in such place in the city of Boston, as a majority of the directors, for the time being, shall appoint; of which election public notice shall be given in two newspapers printed in the city of Boston, and continued for the space of ten days immediately preceding such election, and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: <i>provided,</i> that no stockholder shall be allowed more than ten votes, and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe; and if, through any unavoidable accident, the said directors shall not be chosen on the second Monday in March, as aforesaid, it shall be lawful to choose them on any other day in the manner herein prescribed.
Right of voting.	
Choice of president.	SECT. 4. <i>Be it further enacted,</i> That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation, or inability to serve, of the president or any director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.
Vacancies.	
Board of directors.	SECT. 5. <i>Be it further enacted,</i> That the president and four directors, or five of them in his absence, shall be a board competent for the transaction of business, and all questions before them, shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, and the transfer of the shares; and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as
By-laws, &c.	

appertain to the business of insurance, and shall also have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the president as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth. Proviso.

SECT. 6. *Be it further enacted*, That any three or more persons named in this act of incorporation are hereby authorized to call a meeting of the said company as soon as may be, in Boston, by advertising the same for two successive weeks, in two newspapers printed in Boston, for the purpose of electing the first board of directors, who shall continue in office until the second Monday of March, in the year of our Lord then next ensuing. First meeting.

SECT. 7. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year, after the charter shall be put into operation as aforesaid; and in case the same shall not be put into operation, according to the provisions thereof, within one year from the passing of this act, it shall be null and void. Condition of charter.

SECT. 8. *Be it further enacted*, That the said company shall never take on any one risk, against fire, or other risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in agreeably to the provisions of this act. Limitation of risks.

SECT. 9. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston. Location.

SECT. 10. *Be it further enacted*, That the said Boston Mechanics' and Traders' Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [*Feb. 9, 1824.*] Liable to taxation.

An Act to provide for the appointment of the Treasurer of the county of Nantucket.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after passing this act, the treasurer of the town of Nantucket shall be *ex-officio* the treasurer of the county of Nantucket, any law of this Commonwealth to the contrary notwithstanding. [*Feb. 7, 1824.*]

Chap. 91.

An Act for the preservation of Westport Harbor.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the passing of this act, it shall not be lawful for any person or persons whatsoever, to dig or carry away any sand from the beach called Horse-neck, within sixty rods of the east side of the mouth of the harbor, or the most westerly end of said Horse-neck beach, in the town of Westport, in the county of Bristol.

Chap. 92.

No person allowed to dig sand.

Penalty.

SECT. 2. *Be it further enacted*, That if any person or persons shall offend against the provisions of this act, he or they shall forfeit and pay the sum of fifteen dollars for each and every such offence, to be recovered by action of debt in any court proper to try the same, one moiety to the use of any person who shall sue for and recover the same, and the other moiety to the use of said town of Westport. [*Feb. 7, 1824.*]

Chap. 93.

An ACT to authorize Nathan Bridge to dispose of certain real estate in Charlestown, and for other purposes.

May sell real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathan Bridge, of Charlestown, in the county of Middlesex, merchant, be, and he hereby is duly authorized and empowered, at any time within three years, to sell and dispose of the dwelling house, with the land and appurtenances occupied by the said Bridge, in said Charlestown, and which were devised to him for life, remainder to his children, by his late father, Matthew Bridge, late of said Charlestown, deceased; and to invest the proceeds to arise from said sale or sales, in real estate, situate in the city of Boston, or in the United States' stock, or stocks of one or more of the banks within this Commonwealth, to be placed in the hands of three trustees, to be appointed by the judge of probate, for the said county of Middlesex; and to be by them holden in trust to pay over the rents, interest, and income of said real estate and stocks to the said Nathan Bridge, or his assigns, during his life; and after his decease, then in trust to hold said estates and stocks, to the use of the children of the said Nathan, and their personal representatives, their heirs and assigns, forever: *provided*, the said Nathan Bridge first give bond, with sufficient sureties, to the judge of probate, for the county of Middlesex, that he will faithfully endeavor to cause said land and tenements to be sold to the best profit and advantage; and will well and truly invest or cause to be invested, the proceeds that shall arise from said sale or sales, in the manner herein above provided; and place the same in the hands of trustees to be appointed as aforesaid, upon the trust aforesaid, immediately from and after said sale or sales; and any deed or deeds made and executed by the said Nathan Bridge, of the said lands and tenements in pursuance of the powers to him herein granted, and duly acknowledged and recorded in the registry of deeds for the county of Middlesex, shall make a complete and legal title in fee to the purchaser or purchasers thereof.

Proceeds of sale how to be invested.

To give bond to judge of probate.

Deeds.

Power of courts.

SECT. 2. *Be it further enacted*, That the said judge of probate for the county of Middlesex, and the supreme court of probate of the Commonwealth, shall have all the power and authority over the said trust, and the funds and the trustees thereof, which by law they now have in cases of trusts for the benefit of minors or other persons, arising under any last will and testament. [*Feb. 10, 1824.*]

An ACT to alter and amend an Act, entitled "An Act to establish the First Baptist Society in Westborough."

Chap. 94.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person who may hereafter wish to unite in religious worship, and become a member of said society ; or who may wish to leave said society, and join some other parish, or religious society, shall at any time have liberty so to do, by complying with the formalities prescribed by the act of which this is an amendment.

1816 ch. 70.

SECT. 2. *Be it further enacted,* That so much of the act, of which this is an amendment, as is inconsistent with this act, be repealed. [*Feb. 10, 1824.*]

1816 ch. 70.

An ACT to incorporate the Proprietors of the Mill-pond Wharf in Boston.

Chap. 95.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Israel Thorndike, Joseph Sewall, and John Bumstead, and their associates, successors, and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of the Mill-pond Wharf ; and the said corporation, by the same name, are hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure ; to make rules and by-laws for the regulation and management of their corporate property and estate, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the property of the said corporation shall be divided into shares, not exceeding three hundred in number, as the said corporation may find to be most expedient, and certificates of the shares shall be signed by the president of the corporation, and issued to the proprietors respectively : and the shares in said corporation shall be transferable by endorsement on said certificates, and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the clerk of the corporation, and new certificates shall be issued accordingly ; and such shares shall be considered in all respects personal estate.

Shares.

Manner of transfer.

SECT. 3. *Be it further enacted,* That the said corporation shall have power from time to time, to assess such sums of money as may be deemed necessary for building or repairing any building or other property of said corporation, or necessary for the building of any new wharves or tenements, or for the improvement and good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder ; and after deducting the amount assessed and unpaid, together with the charges of the sale, the surplus, if any, shall be paid over to such proprietor ; and the

Assessments.

Sale of shares of delinquents.

- purchaser of such share or shares so sold shall be entitled to and receive a certificate of the share or shares by him purchased.
- Real and personal estate. SECT. 4. *Be it further enacted*, That the said corporation, by virtue of this act, shall have power to hold and possess real and personal property, not to exceed the value of two hundred thousand dollars, at one time, and in all meetings of the members of said corporation for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation: *provided, always*, that no member shall ever be entitled to more votes than shall be equal to one third part in value of the corporate property: *and provided, further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two-thirds at least in number and value of those present or represented at such meeting, nor unless public notice shall have been given, at least, ten days previous to such meeting, by publication thereof in one or more of the newspapers printed in Boston. Proprietors may appear and act at any meeting by proxy in writing.
- Right of voting.
- First meeting. SECT. 5. *Be it further enacted*, That either of them, the said Thorndike, Sewall, or Bumstead, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days, at least, before the time of meeting, and that the said corporation may at such, or any other meeting, agree on the mode of calling future meetings, and elect a president and clerk, and may elect all such other officers as said corporation may think fit for conducting and managing the corporate affairs and estate, and the same may change and remove as said corporation shall see fit. [*Feb. 10, 1824.*]
- Election of officers.

Chap. 96.

AN ACT to incorporate the First Universalist Society in Marlborough.

- Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ephraim How, James Wood, Lyman Morse, William Annet, Micah Sherman, Silas Temple, Ephraim Drury, Jedediah Wood, Samuel Winchester, Phineas Hall, Truman Hagar, John Maynard, Benjamin Parker, Silas Felton, Silas Winch, John Sawin, Samuel M. Sherman, Benjamin Lufkin, John Arnold, Amory Cotting, Eli Maynard, Stephen Ames, William Felton, Jr., Truman Stow, Sullivan Thayer, Jonathan Sawin, Ephraim Maynard, Jr., William Rice, John Cotting, George E. Monson, Eliphalet Spurr, Jonathan Smith, Willard Morse, Bezaleel Hayden, Abel Brigham, Edward Hager, John Nurse, Samuel Jennisson, Jr., Abijah Brown, John G. Barnard, Elijah Puffer, Pierce Burnham, Samuel Arnold, and Elijah Hale, with their families, polls, and estates, together with all others who may hereafter associate with them, and their successors, be, and they are hereby incorporated into a religious society, by the name of the First Universalist Society in Marlborough, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by law.
- Powers and privileges.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law, to purchase, hold, and dispose of any estate, real or personal, for the use of said society : *provided*, the annual income thereof, shall not exceed at any one time, the sum of two thousand dollars. Real and personal estate.

SECT. 3. *Be it further enacted*, That the said society may have power to order and establish such regulations, rules, and by-laws for their government, and for the management of their concerns, as they may see fit : *provided*, the same are not repugnant to the laws and constitution of this Commonwealth. By-laws.

SECT. 4. *Be it further enacted*, That all taxes for building and repairing a house for public worship, supporting a minister or ministers, and all other incidental charges attending the same, may be levied and collected by assessments on the polls and estates of the members of said society, or on the pews in such house as they may build or purchase, in such manner as the society shall hereafter determine at a meeting legally notified for said purposes. Assessments.

SECT. 5. *Be it further enacted*, That any justice of the peace, for the county of Middlesex, is hereby authorized to issue a warrant directed to some member of said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, as parishes are by law empowered to choose at their annual meetings, and to transact all such business as religious societies have a right to transact. [*Feb. 10, 1824.*] First meeting.

An ACT more effectually to prevent the destruction of Shad and Alewives, in the Saugus river, and its tributary streams, within the towns of Lynn, Saugus, South Reading, and Lynnfield.

Chap. 97.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the towns of Lynn, Saugus, South Reading, and Lynnfield, shall be, and they are hereby respectively empowered and directed, at their annual meetings for the choice of town officers, to choose in each town, three persons, inhabitants thereof, to see that the laws respecting the passage ways for shad and alewives, be observed, and each person so chosen shall be sworn to the faithful discharge of his duty. And the said committees of said towns shall meet together annually, on or before the first day of April, at such time and place as the person first chosen by the town of Lynn shall appoint, to be by him duly notified. And the major part of those of the said committees who shall be present at such meeting, are hereby authorized and empowered to order the times, places, and manner in which said fish may be taken in Saugus river and streams, in each of said towns. And the members of the said committees shall have joint and concurrent jurisdiction in each of said towns, so far as respects said river and streams. And in case either of said towns shall neglect to choose the committee assigned to it, the committee or committees which shall be duly chosen and sworn within the other towns, or either of them, shall have the powers and shall perform the

1801 ch. 61.
(v. 2, p. 504.)
1803 ch. 134.
(v. 3, p. 398.)

Towns empowered to choose committees.

Power of committees.

Regulations to be posted.

duties hereby required. And the regulations which shall be so agreed upon by said committees shall be written and posted, in three public places at least, in each of said towns.

Passage ways for fish to be opened.

SECT. 2. *Be it further enacted*, That the said committees, or the majority of the members, not less than three in number, who shall be present at any meeting duly notified by the first chosen or eldest member of the committee, which shall be chosen in the town of Lynn, or by the request of any three members of said committees, shall be, and they are hereby authorized and empowered to require of the owner or occupant of any dam or sluice-head of any mill, erected, or that may be erected over said river or streams, to open and keep therein a sufficient passage way for said fish, at such time on or after the first day of April, annually, as the said committees, or the major part present, as aforesaid, shall think necessary; and may also require of the owner or occupant of any canal or course, whereby any natural stream is or shall be in part changed or altered, to leave sufficient water in the natural stream for the easy and safe passage of the said fish; and upon neglect or refusal of such owner or occupant of any dam, or sluice-head, or canal, as aforesaid, to comply with this act, the said committee, or major part who shall be present at any meeting as aforesaid, shall and may cause such sufficient passage way and opening as they shall judge necessary for the purposes aforesaid, to be made in such dam, sluice-head, or canal, with least prejudice to the owner or occupant, and at his expense. And such passage and opening shall and may be continued at the discretion of the said committee, from the time they shall order the same, as aforesaid, and until they shall order or permit the closing of the same, not exceeding the fifteenth day of June in every year. And if any person or persons shall obstruct the passage way or opening, required or allowed by the said committees, or the major part of them, as aforesaid in any dam, sluice-head, or canal, within their jurisdiction as aforesaid, such offender or offenders shall forfeit and pay a sum not exceeding sixty dollars, nor less than thirty dollars.

Penalty.

Fine for taking fish irregularly.

SECT. 3. *Be it further enacted*, That if any person or persons shall be found taking any of the aforesaid fish on any day, or in any place, or in any manner contrary to the regulations of the said committees, or of otherwise killing and wasting such fish, such offender shall forfeit and pay a sum not exceeding two dollars nor less than one dollar for each offence.

Fines for obstructing river, or molesting committee.

SECT. 4. *Be it further enacted*, That it shall be the duty of the said committees, jointly, and of each committee in their respective towns, to see the observance of this act, and they shall have authority therefor to go upon the land bordering upon the said river or streams, and shall not be considered as trespassers therein. And any person who shall molest said committees, or either of them, in the execution of their office, or shall injuriously obstruct the said river and streams, shall forfeit and pay a sum not exceeding three dollars, nor less than one dollar, according to the aggravation of the offence. And all fines and forfeitures

given by this act shall and may be sued for and recovered, by action of debt, in any court proper to try the same, by the said committees, or any one of them ; one moiety to the use of the prosecutors, and the other moiety to the use of the poor of the town in which the offence shall happen.

SECT. 5. *Be it further enacted*, That all laws heretofore made for regulating the fishery in the said river and streams in Lynn, Saugus, South Reading, and Lynnfield, with joint or separate authority, are hereby repealed : *provided, nevertheless*, that nothing in this act shall be so construed as to affect, in any way, an act passed March third, one thousand eight hundred and two, so far as it respects the stream leading from the flax-pond and emptying into said Saugus river, or any other streams within the said town of Lynn : *provided, also*, that said joint committee shall have no control nor jurisdiction over any stream within the town of Lynn, other than said Saugus river. [Feb. 10, 1824.]

Repeal of former laws.

Provisos.

1801 ch. 61.
(v. 2. p. 504.)

An ACT to establish the division line between Dighton and Wellington.

Chap. 99.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the line of division between the towns of Wellington and Dighton, in the county of Bristol, be so altered, in the western extremity thereof, as to run from the corner near Abiezer Briggs' house, west seventeen degrees and one half north, until it strikes the line of Rehoboth, in such course that the said line of division between Wellington and Dighton, being thus altered, may run straight from the corner near the house of Constant Simmons, to Rehoboth line ; and that all that part of the territory of the town of Dighton lying north of the line aforesaid, be set off from the town of Dighton, and annexed to the town of Wellington.

Line altered.

SECT. 2. *Be it further enacted*, That any person who may have gained an inhabitancy, at any time before the passing of this act, within that part of the town of Dighton, which is, by this act, annexed to the town of Wellington, and who now is or hereafter may need to be supported as a pauper, shall be supported by the said town of Wellington ; and all such persons, together with those who may derive their settlement from or under them, shall be deemed and taken to have their settlement in the town of Wellington, aforesaid. [Feb. 12, 1824.]

Paupers.

An ACT authorizing the taxing of the Pews in the Congregational Meeting-house in New-Bedford.

Chap 100.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the members of the Congregational Society known by the name of the Bedford Precinct, in the town of New-Bedford, in the county of Bristol, be, and they hereby are empowered to raise any sum or sums of money, which the said members may hereafter, at any legal meeting called for that purpose, vote to raise, for the support of a gospel minister in the said society, and for other necessary expenses, by a tax upon the

Power to raise money by tax on pews.

Proviso. pews in said meeting-house : *provided, however*, that said society may by vote except from taxation such pews as they may think fit, not exceeding six in number on the lower floor, and as many in the gallery as they may think proper, and instruct the assessors accordingly, who shall omit such pews in the assessments.

Valuation of pews.

SECT. 2. *Be it further enacted*, That for the equitable apportionment of the taxes to be assessed on said pews, the members of said society shall cause a valuation thereof to be made, by a committee to be chosen by them for that purpose ; and the report of that committee, stating the number and value of said pews shall, when accepted and recorded, be binding on all persons interested, for the purpose of taxation as aforesaid ; and the sums voted to be raised on said pews, shall be apportioned and assessed thereon, by the assessors for the time being, according to such valuation.

Assessment and collection of taxes.

SECT. 3. *Be it further enacted*, That the assessors of said society shall make out a fair list of the taxes assessed on pews, according to this act, and commit said list to the treasurer of the society, to receive and collect the taxes ; and it shall be the duty of the said treasurer, as soon as may be, after receiving the said list, to give notice thereof, by posting a copy of said list, at said meeting-house door, stating the number of each pew and the amount of taxes set against it, with a notification written thereon, for persons interested in said pews, to pay the tax upon the same within thirty days from the date of the said notification ; and if the tax upon any pew shall not be paid to the treasurer within thirty days, according to his notification as aforesaid, it shall be the duty of the treasurer, and he is hereby empowered to sell the pew upon which such tax, or any part of it, shall remain unpaid, at public auction to the highest bidder ; and his deed to the purchaser recorded in the records of the town of New-Bedford, shall give to the purchaser a perfect right and title to said pew ; and he or she shall afterwards be considered the legal owner thereof : *provided, however*, that the treasurer shall, after the expiration of said thirty days, give at least ten days notice of the time and place of vendue, by posting up one advertisement at said meeting-house, and one at some other public place in said town, stating the number of the pew to be sold, and the tax due upon it.

Sale of pews of delinquents.

Proviso.

Adjournment of sales of pews.

SECT. 4. *Be it further enacted*, That in case an adjournment of the sale of pews shall appear to the treasurer to be necessary, he may adjourn his sale for a time not exceeding seven days at a time, until his sales are completed ; and in all cases he shall pay over, on demand, to the former owner of pews, the balance in his hands, arising from the sales, after deducting the taxes due, and his reasonable charges for advertising and selling the same. [*Feb. 12, 1824.*]

An Act to incorporate the Trustees of the Green Foundation.

Chap 102.

Preamble.

WHEREAS the heirs of Thomas Green, late of Boston, in the county of Suffolk, deceased, in pursuance of a design formed by the said Green in his life time, have made a donation of a certain sum to the ministers, wardens and vestry of Trinity Church, in said Boston, for the time being, in trust, as a fund for the support of an assistant minister for said church; and the present minister, wardens and vestry of said church, have by their petition, prayed this Legislature to incorporate them trustees for the due management of said fund, and vest them with the power necessary to carry into effect the pious purpose of the donors :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the minister, wardens and vestry of Trinity Church, in Boston, for the time being, be, and they are hereby incorporated as trustees, by the name of the Trustees of the Green Foundation, and by that name they and their successors in office shall be and continue a body corporate forever, and they shall have a common seal, subject to alteration at their pleasure, and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, and plead and be impleaded by the name aforesaid.

Persons incorporated.

[e final annexed to the name of Green 1824 ch. 22.]

Powers.

SECT. 2. *Be it further enacted,* That said trustees and their successors shall annually elect from their number, a president, and clerk to record the doings and transactions of the trustees at their meetings, and a treasurer to receive and pay the monies belonging to the said fund, or which may hereafter be given, or added thereto, and to invest the same according to the direction of the trustees thereof; and all other officers necessary for the management of their business.

Election of president and clerk.

SECT. 3. *Be it further enacted,* That the trustees and their successors be and hereby are invested with full power, to hold all sums of money, notes, bonds or obligations, and all deeds, bequests, legacies, devises and donations that may be given or made to them in trust, for the benefit of said fund : *provided,* that they shall not at any one time hold real estate to an amount exceeding fifty thousand dollars, and to collect the interest or rents and profits of the same, and also to collect the principal sum when due and payable, or require security for the payment, when in their apprehension the debts are in danger of being lost. And they are hereby authorized to add the annual interest to the principal, and place the whole at interest on good security; or invest it, either wholly or in part, in such other manner as to them shall seem expedient. But nothing in this act shall authorize the said trustees to use or apply any money given for the purpose aforesaid, in any manner contrary to the direction of the donors, as set forth in their deed of donation.

Power of trustees.

Real estate.

SECT. 4. *Be it further enacted,* That the said trustees may hold, sell or lease any real estate (not exceeding the amount above mentioned) which may be given, devised, sold, mortgaged

or set off on execution to them, or which shall be otherwise vested in them for the support of said fund, and they may make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by their treasurer, and acknowledged by him by direction of said trustees, with their seal thereto affixed, shall be good and effectual in law, to pass and convey the fee simple, or any less interest according to the tenor of said deed or deeds to the purchaser, to all intents and purposes whatever. And the said trustees may assemble and meet as often as they think necessary for the promotion of their trust, any seven of whom shall constitute a board for doing business, but the concurrence of ten at least shall be requisite to every act and proceeding whatever, except the adjournment of a meeting, for which purpose any number may be sufficient. And they may make rules, regulations and by-laws, not repugnant to the laws of this Commonwealth.

May execute
deeds of sale.

Meetings of
trustees.

[See st. 1824
ch. 22.]

By-laws.

SECT. 5. *Be it further enacted*, That the said trustees, treasurer, clerk, or other officers employed by them, shall be entitled to receive no compensation for the services they may perform out of any monies belonging to said fund.

First meeting.

SECT. 6. *Be it further enacted*, That Joseph Head, Esq. of said Boston, be, and he is hereby authorized to call the first meeting of the said trustees, at such time and place as he shall judge expedient. [Feb. 12, 1824.] Add. act, 1824 ch. 22.

Chap 103.

An ACT to incorporate the Trustees of the Congregational Ministerial Fund in the town of Hadley.

Preamble.

WHEREAS, William Porter and others, members of the Congregational Church in Hadley, are desirous of establishing a fund, to be raised by subscription, for the purpose of aiding in the support of an orthodox minister of the gospel in said town, and in behalf and at the request of said church, have petitioned that they may be incorporated as trustees for the management and application of said fund when raised :

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Porter, Esq., Jacob Smith, Erastus Smith, Jason Stockbridge, Nathaniel Coolidge, Jun., William Dickinson and Elisha Dickinson, all inhabitants of the town of Hadley, be, and they are hereby constituted a body politic and corporate, by the name of "the Trustees of the Congregational Ministerial Fund in Hadley," and by that name may sue and be sued, plead and be impleaded, and may have a common seal, and shall possess and enjoy all such other powers and privileges, as are incident to corporations of a like nature.

Powers and
privileges.

May hold
estate.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to take into their hands and hold all such subscriptions, donations, grants, bequests and devises, as may hereafter be made to them : *provided, however*, the annual income thereof shall not exceed the sum of twelve hundred dollars ; and said income shall be by them appropriated in manner following, to wit : no part of said income shall be expended until it shall amount to

Appropriation
of income.

one hundred dollars, and when it shall amount to one hundred dollars, fifty dollars thereof and so much more of said income as said trustees shall deem expedient, shall be annually added to the principal, until the annual income shall exceed five hundred dollars, after which the whole income may be expended if necessary; and the said trustees, subject to the aforesaid limitations, shall annually appropriate the income of the fund vested in them to the support of such congregational minister of the church in Hadley, as they shall by their by-laws and regulations, to be made at their first meeting, limit and appoint.

SECT. 3. *Be it further enacted*, That the said trustees, at their first meeting, to be called as hereinafter provided, and within three months from the passing of this act, shall adopt such rules and regulations for the management and appropriation of said fund, as they shall deem wise and expedient, and such rules and regulations, when so adopted, shall be forever afterwards unalterable and binding as well upon said trustees as upon the contributors to the fund aforesaid: *provided, however*, that such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth; and the said trustees at such first meeting shall prescribe the mode of calling future meetings, and appoint a clerk, who shall be sworn faithfully to record all their votes and proceedings, and also a treasurer, who shall give bond to the said trustees and their successors, with sufficient surety conditioned to perform all the duties incumbent upon him as treasurer; and such officers, so appointed, shall hold their offices, until others are appointed and qualified in manner aforesaid to succeed them.

Rules and regulations to be unalterable.

Proviso.

SECT. 4. *Be it further enacted*, That the number of trustees shall never be more than seven, nor less than three; and the said trustees, whenever any vacancy shall happen by death, resignation, removal or otherwise, shall at their next meeting, after such vacancy occurs, elect some person to fill the same, and shall not suffer any vacancy to remain unfilled more than twelve months, and shall have power to remove any member, who may from age, infirmity or misconduct become unfit to discharge the duties of a trustee.

Number of trustees.

SECT. 5. *Be it further enacted*, That in no case shall the principal of said fund be expended, but the same shall be unalienable; and whereas the same fund is created by the voluntary donation and contribution of individuals, the said trustees shall keep and preserve a list of the donations and of the names of the donors thereto, and in case the same shall be mismanaged or not appropriated according to this act and the permanent regulations to be adopted as aforesaid, any one or more of the donors, or his or their heirs, or any of them, may have and file a bill in equity against the said trustees, or any one or more of them, therein specifying as distinctly as may be such mismanagement or neglect, before the supreme judicial court holden for the county of Hampshire, and the said court is hereby authorized to hear and determine the same, and to exercise jurisdiction thereon, according to the

Principal of fund not to be expended.

S. J. Court to have jurisdiction in cases of mismanagement.

rules of proceeding in chancery, and to decree as equity and good conscience shall require, each of said trustees to be responsible for his own acts and not one for another ; and any sum of money awarded or decreed to be paid by any of said trustees shall be for the benefit of said fund and be paid over accordingly, and a final decree against any one of said trustees for mismanagement in said office, shall ipso facto be a disqualification for his acting as a trustee ; and in case all of said trustees shall be at once so disqualified, new trustees may be appointed by the male members of the congregational church in Hadley, which shall by law be deemed the same with or successor to the present congregational church, said appointment to be made at a meeting for that purpose, warned at least seven days previously, and said trustees, so appointed, shall have the powers and be subject to the duties of the trustees herein first mentioned.

Appointment of trustees.

Rules to be filed in town clerk's office.

SECT. 6. *Be it further enacted*, That the said trustees, within four months from the passing of this act, shall file in the clerk's office of the town of Hadley a copy of their permanent rules and regulations, attested by their clerk, which copy shall and may be used as evidence in all cases where the original would be evidence ; and the said trustees, their officers, agents or attorneys shall never receive any compensation for their services from the proceeds of said fund.

First meeting.

SECT. 7. *Be it further enacted*, That any four of the persons herein before named as trustees, may call the first meeting of the trustees, giving to each of the other of said trustees seven days previous notice of the time and place of holding the same. [Feb. 12, 1824.]

Chap 104.

An Act in addition to an Act to incorporate the President, Directors and Company of the City Bank.

1821 ch. 100.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the City Bank be, and hereby are authorized and empowered to increase their present capital stock, by an addition of two hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times as the president and directors of said bank may direct and determine : *provided, however*, that the whole amount shall be paid in, on or before the first day of June next.

Increase of stock.

SECT. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the present capital stock of said corporation is now holden, by virtue of the act to which this is in addition.

Part of former act repealed.

SECT. 3. *Be it further enacted*, That so much of the tenth section of the act incorporating the President, Directors and Company of the City Bank, as prohibits them from paying or receiving any bill or note of any other bank, for any less sum than the nominal value expressed in such bill or note, be, and the same is hereby repealed. [Feb. 13, 1824.]

An ACT authorizing the inhabitants of the town of Berlin to tax the pews in the Congregational Meeting-house of said town. Chap 105.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the congregational society in the town of Berlin, in the county of Worcester, be, and they hereby are empowered to raise one third part of any sum, which said inhabitants of said congregational society may, at any legal meeting called for that purpose, vote to raise for the purpose of repairing said congregational meeting-house in said town, by a tax on the pews in said house, according to an appraisal now made on said pews in said house, the other two thirds being assessed on the inhabitants of said society. [*Feb. 16, 1824.*] May tax pews.

An ACT to incorporate the Trustees of the Ministerial Fund in the Parish in Foxborough. Chap 107.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Forrest, Stephen Rhoads, Melatiah Everett, Jacob Leonard, Oliver Comer, and Isaac Winslow, and their successors, be, and they hereby are made a body politic, by the name of the Trustees of the Ministerial Fund in the Parish in Foxborough, and by that name to remain a corporation forever, capable and liable in law to sue and be sued in any action real, personal, or mixed, and shall have power to appoint a clerk who shall be sworn, and a treasurer who shall give bonds for the faithful performance of his trust, and all such other officers as may be necessary for the management of their affairs, and make, adopt, and execute all reasonable by-laws and regulations that may be necessary and proper for the government of said corporation, and not repugnant to the laws and constitution of this Commonwealth. Persons incorporated.

SECT. 2. *Be it further enacted,* That said trustees shall have full power to receive and hold all gifts, grants, donations, or subscriptions, real or personal, that may be hereafter made for a ministerial fund, and the same to manage, and to apply the income thereof, annually, for the support of a congregational minister in said parish in Foxborough: *provided,* the amount of said fund shall never exceed the sum of fifteen thousand dollars: *and provided, also,* that no appropriation of any gift, grant, or donation, or the income thereof, shall ever be made contrary to the express intention and direction of the donor. Powers and privileges.

SECT. 3. *Be it further enacted,* That said trustees shall keep a fair record of their proceedings, which shall be open to any committee of the congregational church or parish in Foxborough; and they shall annually exhibit to said church and parish, a correct statement of the funds in their possession, and of the expenditure of the income thereof, and shall be liable individually for any waste or misapplication of said fund, and shall receive no compensation for their services, unless the annual income of said fund exceed the sum of five hundred dollars. Trustees may hold real and personal estate.

Duties of trustees.

Their liability for waste.

- Number of trustees. **SECT. 4.** *Be it further enacted,* That the number of said trustees shall never be less than five, nor more than seven, and no person shall be a trustee, unless he be a member of the congregational parish in Foxborough; and whenever any trustee shall, by
- Vacancies. age, removal, or infirmity, be rendered incapable of performing the duties of his office, the trustees shall declare his office vacant, and shall have power to fill all vacancies that may happen in their board.
- Deeds. **SECT. 5.** *Be it further enacted,* That all deeds and instruments requiring a seal which the trustees shall have lawfully determined to make, shall be sealed with their seal; and being signed and acknowledged by the treasurer thereof, shall bind the said trustees and their successors, and be valid in law.
- First meeting. **SECT. 6.** *Be it further enacted,* That Melatiah Everett, Esq., is hereby authorized and empowered to issue his warrant, directed to some one of the trustees named in this act, requiring him to notify the first meeting of said corporation, to organize the same by the establishment of by-laws, and the appointment of its officers. [*Feb. 16, 1824.*]

Chap 103.

An ACT to change the name of the "Bedford Precinct," in the town of New-Bedford, and to confirm the doings of the said Precinct.

Change of name.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the name of the "Bedford Precinct," in the town of New-Bedford, shall cease, and the said precinct shall forever hereafter be called and known by the name of the First Congregational Society in New-Bedford, any law to the contrary notwithstanding; and nothing in this act contained, shall be construed to impair any rights of the said corporation; but the inhabitants and members of said precinct shall have, enjoy, and exercise all its powers and privileges, by the name of the First Congregational Society in New-Bedford, in as full and ample a manner, as though the name of the said precinct had not been changed.

Powers and privileges.

Records made valid.

SECT. 2. *Be it further enacted,* That the records of the said Bedford Precinct, or otherwise the said First Congregational Society, from the third day of January, eighteen hundred and twenty-three, to the third day of January, eighteen hundred and twenty-four, shall be deemed and taken to be valid and effectual, to all intents and purposes, as if the said precinct, and the officers thereof, had proceeded according to the laws regulating their proceedings in this behalf, in relation to parish or precinct meetings. [*Feb. 16, 1824.*]

Chap 109.

An ACT to allow the Alford and Egremont Turnpike Corporation to alter the location of their road.

1805 ch. 96.

Authorized to make alterations.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Alford and Egremont Turnpike Corporation be, and they are hereby authorized and empowered to make the following alteration in the location of their road, viz: beginning at the old sign post at the dwelling-house occupied by Daniel Mes-

senger, in Egremont, in the county of Berkshire, thence running south, twenty-one and a quarter degrees east, three chains to a stake opposite the office of C. Leavensworth, Esq., thence south thirty-two degrees east, one chain and sixty-five links, to the south-west corner of an old store, thence south forty and an half degrees east, six chains and twenty-five links, to a stake, thence south, forty-four and an half degrees east, eight chains and sixty-four links, to a stake, thence south, forty-four and one quarter degrees east, fifteen chains, and fifty-five links, to a stake, thence south, forty-three and three-fourth degrees east, twenty-four chains and eight links, to a stake and stones, a corner of the turnpike, opposite the dwelling-house of Nicholas Race, the line aforesaid, to be the east line of the road, and the road to be four rods wide, except at the place where it passes between the dwelling-house and horse-shed of Daniel Messenger, in said Egremont, and the same is hereby established a part of said turnpike-road, and all parts of said road, as now located and established, which interfere with the alteration aforesaid, be, and they hereby are discontinued.

SECT. 2. *Be it further enacted*, That said corporation shall be holden to pay all damages which may arise to any person by taking his land aforesaid, and when not ascertained by voluntary agreement, to be estimated by a committee to be appointed by the court of sessions for the county of Berkshire, saving to either party the right of trial by jury, according to the law which provides for the recovery of damages accruing by laying out public highways. [*Feb. 16, 1824.*]

Corporation to pay damages for taking land.

An ACT to prevent the destruction of Fish in the town of Lincoln.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person to set or use more than one hook at any one time, on any of the ponds in the town of Lincoln, in the county of Middlesex, between the first day of December, and the first day of April, annually : and if any person or persons shall, after the passing of this act, be found setting or using more than one hook at any one time, such person or persons shall, for each hook so set or used, after the first, forfeit and pay a sum of not less than one dollar, nor more than two dollars.

Chap 110.

Persons forbidden to fish with more than one hook.

SECT. 2. *Be it further enacted*, That all penalties incurred by any breach of this act, may be recovered by any person who shall sue for the same, in any court in said county of Middlesex, proper to try the same ; and if any minor or minors shall offend against the provisions of this act, and shall thereby incur any of the penalties aforesaid, the parent, master, or guardian of such minor or minors, shall be answerable therefor, in which case, the action shall be commenced against such parent, master or guardian (as the case may be) of such minor or minors, and judgment rendered accordingly : *provided, however*, that the inhabitants of the said town of Lincoln may, at their meeting in March or April,

Recovery of penalties.

Proviso.

annually suspend, in whole or in part, the provisions and restrictions of the act aforesaid, for any term of time not exceeding one year. [*Feb. 16, 1824.*]

Chap 114.

An Act to incorporate the First Baptist Society in Methuen.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George W. Wilson, Stephen Barker, Ebenezer Whittier, William Richardson, Matthew Messer, William Whittier, Lewis Gage, Joseph F. Kimball, Thomas Thaxter, Abraham Tilton, Ebenezer Whitmarsh, Ebenezer Carlton, Jr., John Watson, John Pecker, Jr., Benjamin F. Bodwell, Samuel Parker, Joseph W. Carlton, Daniel Frye, Jonathan Merrill, Stephen Gage, Michael Gage, Jonathan Swan, Richard Whittier, James Fry, Jr., Simon Hibberd, Samuel Richardson, Jr., Jonathan Merrill, 2d, William Richardson, 2d, Cyrus Robinson, Jeremy B. Parker, John A. Bodwell, George A. Waldo, Christopher Messer, Alpheus Bodwell, Philip How, Theodore Parker, David Clark, John L. Bodwell, Benjamin Wilson, Jacob Messer, Stephen Messer, and Thomas How, with their associates and successors, whether inhabitants of said town of Methuen, or of the adjacent towns within this Commonwealth, be, and they hereby are incorporated, for religious purposes only, into a society, by the name of the First Baptist Society in Methuen, with all the powers, privileges, and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth. And said incorporation is hereby authorized and empowered to take, purchase, and hold all real and personal estate necessary and convenient for the purposes aforesaid: *provided*, the annual income of such real estate of said incorporation, exclusive of the meeting-house, and the land under the same, shall not exceed seven hundred dollars.

Powers and
privileges.

Real and per-
sonal estate.

Election of offi-
cers, and by-
laws.

SECT. 2. *Be it further enacted,* That said society shall have power to elect all necessary officers, and to order and establish such regulations, rules, and by-laws for their government, and for the management of their property and concerns as they may see fit: *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

First meeting.

SECT. 3. *Be it further enacted,* That any justice of the peace, for the county of Essex, upon application therefor of any five of the members of said society, in writing, is hereby empowered to issue his warrant, directed to one of the members of said society applying therefor, requiring him to notify and warn the members of said society to meet, at such time and place as shall be appointed in said warrant, to organize the said society by the appointment of its officers, and to transact such other business as may be found necessary at such meeting, the purport of which having been previously inserted in the warrant for calling the same. [*Feb. 18, 1824.*]

An ACT to annex the estates of John Bronson and Levi Hare to the town of Egremont.

Chap 115.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the real estate of John Bronson and Levi Hare, as lies in the town of Sheffield, in the county of Berkshire, be set off from said town of Sheffield, and annexed to the town of Egremont: *provided*, that the said Bronson and Hare shall pay all taxes assessed upon them respectively, in the said town of Sheffield, before the passing of this act. [Feb. 16, 1824.]

An ACT to incorporate the President, Directors and Company of the Mechanics' and Traders' Bank.

Chap 116.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles Ewer, William Parker, John Rayner, Abner Phelps, Timothy Bedlington, Thomas Gaffield and Lawson Valentine, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Mechanics' and Traders' Bank, and shall so continue from the third Wednesday of April [*next*] and until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," except so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank at any one time, shall not exceed fifty per centum, beyond the amount of the capital stock actually paid in.

Persons incorporated.

Restrictions and privileges.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner hereinafter mentioned, divided into shares, of one hundred dollars each, which shall be paid in manner following, that is to say: one fourth part thereof on or before the first day of August next, one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of December next, and the residue on or before the first day of February next; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall by a majority of votes determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered on the books of said corporation shall be binding on the stockholders, their successors and assigns until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy,

Capital stock.

Shares.

Instalments.

Transfer of stock.

Real estate.

- and retain to them, their successors and assigns, lands, tenements and hereditaments to the amount of fifty thousand dollars, and no more at any one time, with power to bargain, sell, dispose [of] and convey the same by deed, under the seal of said corporation, and signed by the president or two of the directors ; and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation : *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred and twenty-five thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners to be appointed by the governor for that purpose, whose duty it shall be at the expense of the corporation to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards the payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor. And no stockholder shall be allowed to borrow money at said bank, until he shall have paid in his proportion of the said capital stock, as herein before provided and required.
- Loans.**
- Issue of notes.**
- Examination¹ and return of commissioners.**
- Loans to stockholders.**
- Location.**
- Loans to the State.**
- First Meeting.**
- SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Boston.
- SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any time, reimbursable by five annual instalments, or any shorter time at the election of the Commonwealth, with annual payment of interest at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital paid in.
- SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established.

Right of State
to hold stock.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right from time to time to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

State may ap-
point directors.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the board of directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

Bond of cashier.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

State tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder the original amount of any note of said bank counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration. And that the said corporation shall not at any place whatever, directly or indirectly purchase, receive, pay or exchange, any bill or note of said bank for any less sum than the nominal value expressed in such bill or note.

Shall pay origi-
nal amount of
altered notes.

SECT. 11. *Be it further enacted*, [That] the capital stock of the said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, from the time of [the] passing of this act, and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void. [Feb. 19, 1824.]

Conditions of
charter.

An ACT to incorporate the Congregational Parish in Topsfield.

Chap 117.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the inhabitants of the town of Topsfield, with all the lands in said town, (except such inhabitants and such lands as do belong to some other parish or religious society, or are exempt by law from parish charges in said town of Topsfield,) be, and they hereby are incorporated into a parish, by the name of the Congregational Parish in Topsfield, subject to all the du-

Persons incor-
porated.

Rights and
privileges.

ties and vested with all the rights and privileges to which parishes are by law entitled.

Town votes confirmed.

SECT. 2. *Be it further enacted*, That the votes and proceedings of the said town of Topsfield relative to parish business, are hereby confirmed and made valid to all intents and purposes. And the said congregational parish shall be deemed and taken to be successors to the said town of Topsfield, as far as relates to parochial proceedings, rights and privileges, and subject to all contracts of a parochial nature which may have been made by said town: *provided, however*, that nothing herein contained shall take from any persons inhabitants of said Topsfield, not included in this act, any legal rights or property they now possess.

Proviso.

First meeting.

SECT. 3. *Be it further enacted*, That the first meeting of said parish shall be convened by a warrant to be issued by any justice of the peace in the county of Essex, directed to any member of said parish, requiring him to warn the members of said parish to meet at a suitable time and place to be appointed in said warrant. [*Feb. 19, 1824.*]

Chap 120.

An Act to incorporate the President, Directors, and Company of the American Bank.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ralph Huntington, Sherman Leland, Joseph B. Henshaw, Samuel D. Harris, Charles F. Kupfer, Elijah D. Harris, Samuel F. Coolidge, and William Whitney, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors, and Company of the American Bank, and shall so continue from the third Wednesday in April next, until the first Monday of October, which will be in the year of our Lord, one thousand eight hundred and thirty one; and the said corporation shall be always subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same privileges and immunities, which will be in the year of our Lord, one thousand eight hundred and thirty one; and the said corporation shall be always subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same privileges and immunities, which are contained in an act, entitled “an act to incorporate the president, directors, and company of the state bank,” except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

Restrictions and privileges.

1811 ch. 84.

Amount of bills.

Capital stock.

[Increased 1826 ch. 134, reduced 1830 ch. 14.]

Payment of shares.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars in gold or silver, to be, besides such part as the Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof, on or before the fourth day of May next, one fourth part thereof on or before the first day of August next, one fourth part thereof on or before the first day of November next, and the residue on or before the first day of February next, and no dividend shall be de-

clared on the capital stock of said bank, until the whole of the said stock shall have been paid in, conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more at any one time, with the power to bargain, sell, dispose, and convey the same by deed under the seal of said corporation, and signed by the president and two of the directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount as security for, or in payment of any debts due to the said corporation : *and provided, further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred and twenty-five thousand dollars ; nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor. And no stockholder shall be allowed to borrow any money at said bank until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Transfer of stock.

Real estate.

Loans.

Issue of notes.

Examination and return of commissioners.

Loans to stockholders.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Boston. Location.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall not stand indebted to the said corporation without their consent for a larger sum than twenty per centum of their capital stock then paid in. Loans to the State.

- First meeting.** **SECT. 5.** *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, and at such time and place, as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and of such other officers as they shall see fit to choose.
- Right of State to hold stock.** **SECT. 6.** *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof as shall be by the Legislature made and established.
- State may appoint directors.** **SECT. 7.** *Be it further enacted,* That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right from time to time to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.
- Bond of cashier.** **SECT. 8.** *Be it further enacted,* That the cashier, before he enters on the duties of his office, shall give bond with sureties to the satisfaction of the board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.
- State Tax.** **SECT. 9.** *Be it further enacted,* That the said corporation from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock, which shall have actually been paid.
- Original amount of altered notes to be paid.** **SECT. 10.** *Be it further enacted,* That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.
- Conditions of charter.** **SECT. 11.** *Be it further enacted,* That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void. [*Feb. 20, 1824.*] Add. acts, 1826 ch. 134 : 1830 ch. 14. 55.

An Act to set off a Gore of Land from Bridgewater to Halifax.

Chap 121.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a gore of land lying within the corporate bounds of the town of Bridgewater, according to the following described line, be, and hereby is set off from the town of Bridgewater, and annexed to the town of Halifax, according to the mutual consent and agreement of the said towns, viz: beginning at a stake standing on the west side of the road, which is a corner of said towns, where was formerly an oak tree, and to extend easterly across said gore, in the same direction as the line runs from Bridgewater river to the aforesaid stake, in the laying out of the town of Halifax, until it strikes the line of Bridgewater and Halifax; and the said land, with all the buildings and the inhabitants living thereon, or who may hereafter live thereon, shall be considered a part of the said town of Halifax, as fully and completely as if it had been originally incorporated therewith. [Feb. 20, 1824.]

Gore described.

An Act to incorporate Charles Grinnell and others, as Proprietors of the Purchase street School-house, in New-Bedford.

Chap 124.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abraham Barker, William Beetle, Ichabod Clap, Charles Grinnell, Roger Haskell, Benjamin Hill, Manasseh Kempton, Elisha W. Kempton, Ephraim Kempton, Thomas Kempton, John Avery Parker, and Jireh Perry, together with the present owners and proprietors, and such others as may hereafter associate and become proprietors in the said school-house, their heirs, successors, and assigns, be, and they are hereby made and declared to be a corporation, by the name of the Proprietors of the Purchase street School-house, and they, their heirs, successors, and assigns are hereby vested with all the powers and privileges usually given and exercised by other corporations of a like nature and purpose. [Feb. 20, 1824.]

Persons incorporated.

Powers and privileges.

An Act in addition to an Act incorporating the Worcester Mutual Fire Insurance Company.

Chap 125.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said corporation of the Worcester Mutual Fire Insurance Company be, and hereby is authorized to insure household furniture in any mansion-house or other building within the county of Worcester, against damage arising to the same by fire, upon like terms and conditions, and under the same limitations and restrictions as are provided in the act to which this is in addition, in relation to insurance against damage by fire in any mansion-house or other building within the said county.

1822 ch. 112.

Additional powers granted.

SECT. 2. *Be it further enacted,* That whenever the said corporation shall make insurance upon any mansion-house or other building, the said mansion-house or other building insured, together with the land under the same, shall be held by the said corporation as security for the sum of the deposit money required to be paid, or secured upon such insurance, together with such

Conditions of insurance.

Lien on property insured.

Proviso.

Members insured liable to action of the case.

Levy of execution.

Right of redemption.

assessment or assessments, as the member of the said corporation thus insured shall be liable to pay, pursuant to the provisions of the act to which this is in addition ; and the policy of insurance to any member upon his said mansion-house or other building, shall of itself, from the time it issues, create a lien upon such mansion-house or other building, and the land under the same, to the amount of the sum of such deposit money, and any assessment or assessments which may be made upon the insured as a member of said corporation, and the costs which may accrue in collecting the same, without any other act or ceremony in law whatsoever. And said lien shall continue and be in force upon said mansion-house, or other building insured, with the land under the same, for the security to the said corporation, of the payment of said deposit money and the assessment or assessments upon the member so insured with costs, until the said deposit money with the sum or sums of said assessments shall be paid, or otherwise satisfied to, or released by said corporation, notwithstanding any transfer or alienation thereof: *provided, nevertheless*, that nothing herein contained shall restrict said corporation from receiving any other security in lieu of said lien for said deposit and assessments, upon which their authorized agents and the insured may agree : *and provided, also*, that in all cases where the said corporation rely upon the security of the lien created by the policy, it shall be expressed in said policy that the insurance is made upon the said mansion-house or other building insured, subject to the lien created by law.

SECT. 3. *Be it further enacted*, That if any member of said corporation, who shall obtain insurance of his mansion-house or other building subject to the lien aforesaid, or in case of his decease, his legal representatives shall neglect for the space of thirty days next after demand made by the authorized agent or agents of said corporation (which demand may be in such manner as said corporation shall in their by-laws direct) to pay the sum of the deposit money upon the insurance of his mansion-house or other building, or any assessment or assessments made upon him as a member of said corporation, pursuant to the provisions of the act to which this is in addition, he shall be liable to the suit of the corporation therefor, in an action of the case, in any court of competent jurisdiction. And the said corporation having obtained judgment and execution for the amount of such deposit money, assessment or assessments, may at their election cause the said execution to be levied upon the said mansion-house or other building insured with the land under the same, and the officer having said execution shall proceed to satisfy the same by the sale and conveyance of said mansion-house or other building with the land under the same, in the same manner, and after the like previous advertisement and notice as is provided by law when the right of redeeming real estate is sold, which has been conveyed in mortgage, saving to the owner or owners of such mansion-house or other building, with the land under the same, the right of redemption, at any time within one year from the time of sale,

by paying the purchaser, or any under him, the sum for which it was sold, and interest at the rate of twelve per centum, deducting therefrom the rents and profits over and above the necessary repairs : *provided, however*, that in case of the alienation and transfer by deed of record of any mansion-house or other building insured, with the land under the same, previous to the levy of said execution, notice of the intended sale shall be given by the officer to the owner thereof, or his tenant in possession instead of the debtor in said execution ; and the excess of money, if any shall arise from any sale as aforesaid, beyond satisfying the debt, costs and necessary intervening charges, shall be returned by the officer to the debtor in the execution, or in case of an alienation by him as aforesaid to the owner thereof at the time of the levy of said execution. [*Feb. 20, 1824.*]

Notice of sale to be given to owner or tenant.

Proceeds of sales.

An ACT repealing all Acts imposing restrictions on the erection of buildings in the town of Charlestown.

Chap 126.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act, entitled “an act for the better security of the town of Charlestown against fire,” passed February the fifteenth, in the year of our Lord one thousand eight hundred and ten, and all subsequent additions to said act, be, and the same are hereby repealed. [*Feb. 20, 1824.*]

St. 1809 ch. 44 repealed.

An ACT to incorporate the President, Directors and Company of the Commonwealth Bank.

Chap 127.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Andrew Dunlap, John K. Simpson, Hall J. How, John Henshaw, Jonathan P. Stearns, Russell Jarvis, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Commonwealth Bank, and shall so continue from the second Monday in March next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the President, Directors and Company of the State Bank,” except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted : *provided, however*, that the amount of bills issued from said bank at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

Persons incorporated.

Restrictions and privileges.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof

Capital stock.

Payment of shares.

Transfer of stock.	on or before the first day of May next, one fourth part thereof on or before the first day of August next, one fourth part thereof on or before the first day of November next, and the residue on or before the first day of February next, and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed under the seal of said corporation, and signed by the president or two directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: <i>provided, however,</i> that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: <i>and provided, further,</i> that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred and twenty-five thousand dollars ; nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been <i>bona fide</i> paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor. And no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.
Real estate.	
Proviso.	
Loans and issue of notes.	
Capital to be examined by commissioners.	
Loans to stockholders.	
Location.	SECT. 3. <i>Be it further enacted,</i> That the said bank shall be established and kept in Boston.
Loans to the State.	SECT. 4. <i>Be it further enacted,</i> That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in at one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per

annum: *provided, however*, that the Commonwealth shall never stand indebted to said corporation without their consent for a larger sum than twenty per centum of their capital then paid in. Proviso.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors and such other officers as they shall see fit to choose. First meeting.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established. Right of State to hold stock.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right from time to time to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right. State may appoint directors.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the board of directors in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office. Bond of cashier.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of May next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have actually been paid in. State tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration. Original amount of altered notes to be paid.

SECT. 11. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof within the year aforesaid, it shall be void. [*Feb. 20, 1824.*] See 1830 ch. 58. Conditions of charter.

Chap 128. An ACT to continue in force the Act for incorporating the Nantucket Union Marine Insurance Company.

1804 ch. 3.
(v. 3. p. 446.)

Act continued
in force.

1817 ch. 120.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act entitled “an act to incorporate Josiah Barker, George Myrick, and others, by the name of the Nantucket Union Marine Insurance Company,” passed on the twenty-first day of June, one thousand eight hundred and four, shall be, and remain in full force for the term of twenty years, from and after the twenty-first day of June, one thousand eight hundred and twenty-four, with all the powers and privileges, granted by an act, entitled “an act to define the powers, duties, and restrictions of insurance companies,” passed on the sixteenth day of February, one thousand eight hundred and eighteen : *provided, however,* that the said corporation shall be subject to all the duties and requirements prescribed and contained in the said act, entitled “an act to define the powers, duties and restrictions of insurance companies ;” and the said Nantucket Union Marine Insurance Company shall be liable to be taxed by any general law, providing for the taxation of all similar corporations. [Feb. 20, 1824.] Add. act, 1829 ch. 45.

Chap 129.

An ACT to alter the division line between New-Salem and Shutesbury.

Division line
described.

Proviso.

Settlement of
paupers.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, one range of lots, in the easterly side of the town of Shutesbury, in the county of Franklin, shall be set off from said town of Shutesbury, and annexed to the town of New-Salem, in said county, and the divisional lines between the said towns, shall be as follows : beginning on the north line of said town of Shutesbury, one hundred and sixty rods west from the northeast corner thereof, thence southerly in a line parallel to the present divisional line between the said towns of Shutesbury and New-Salem, near the dwelling-house of Asa Powers ; and that all the inhabitants of the territory by this act annexed to the said town of New-Salem, be, and they are hereby annexed to the said town of New-Salem : *provided,* that they shall pay all taxes assessed or voted to be assessed on their polls and estates by the said town of Shutesbury, before the passing of this act.

SECT. 2. Be it further enacted, That any person who may have gained an inhabitancy in the said town of Shutesbury, by a residence on the territory which is by this act annexed to the said town of New-Salem, who now does, or hereafter shall need to be supported as a poor person, shall be supported by said town of New-Salem. [Feb. 20, 1824.] Add. act, 1827 ch. 34.

Chap 130.

An Act in addition to an Act, entitled “An Act to incorporate the President, Directors and Company of the Dedham Bank.”

1813 ch. 175.
1814 ch. 147.
1815 ch. 80.
Power of direc-
tors.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the directors of said bank, with the consent of a majority of the stockholders thereof, be, and they are hereby au-

thorized and empowered at any time within one year from the first day of May next, at their discretion, to call on the stockholders to pay in a further instalment not exceeding in amount one third part of their original capital, as fixed by law, notice being given of the amount of said instalment, and the time of paying in the same, by publishing three weeks successively, in the newspaper printed in Dedham, or some paper printed in Boston, to the stockholders, at least thirty days before the day appointed for the payment of such instalment : *provided, however,* that nothing herein contained shall authorize or empower the president, directors, and a majority of the stockholders of said bank to increase their capital stock to a greater amount than one hundred thousand dollars.

Proviso.

SECT. 2. *Be it further enacted,* That if any stockholder shall neglect to pay in the instalment on his shares so required by the Directors, and notified as aforesaid, for the space of sixty days after notice as aforesaid, the directors shall be authorized to make sale at public auction of such shares, one or more as may be sufficient to pay said instalment and incidental charges, after duly notifying in the newspaper printed in Dedham, or some paper printed in Boston, the sum due on such shares, and the time and place of sale, at least ten days prior to the day of sale, and giving the proprietor like notice in writing, and such sale shall be a transfer of the share or shares sold to the persons purchasing, and a certificate of such sale shall be entered by the cashier on the books of said bank ; and such purchaser shall be considered to all intents and purposes proprietor thereof, and the overplus, if any, shall be paid on demand by the cashier to the person whose shares were thus sold. [*Feb. 20, 1824.*] Add. act, 1830 ch. 58 : 1832 ch. 111.

Sale of shares.

An ACT to incorporate the Commonwealth Insurance Company.

Chap 131.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Russel Jarvis, John Brazer Davis, Joseph E. Smith, David Henshaw, Caleb Eddy, George Hallet, John Henshaw, M. Richards, George Seaver, Thaddeus Page, John K. Simpson, with their associates, successors, and assigns be, and hereby are incorporated into a company, by the name of the Commonwealth Insurance Company, with power of insurance of lives, and against marine losses and losses by fire, and of loaning monies on bottomry and respondentia principles, and with all the powers, immunities, and privileges granted to insurance companies, and subject to all the restrictions, duties, and obligations contained in a law of this Commonwealth, entitled “an act to define the powers, duties, and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies of this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year

Persons incorporated.

Powers and privileges.

1817 ch. 120.

1819 ch. 141.

- of our Lord one thousand eight hundred and twenty, for and during the term of twenty years, from the passing of this act, and by that name, may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure, and may purchase, hold, and convey any estate, real or personal, for the use of said company : *provided*, the said real estate shall not exceed the value of seventy-five thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said company.
- Real estate.**
- Capital stock.** SECT. 2. *Be it further enacted*, That the capital stock of said company, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, one hundred and fifty thousand dollars of which shall be paid in money, within ninety days after the first meeting of the said company, and the residue within one year from the passing of this act, in such instalments and under such penalties as the president and directors of said company shall in their discretion direct and appoint. And if the provisions of this act shall not be complied with within one year from said first payment, then the same shall be void.
- Shares.**
- Instalments.**
- Directors.** SECT. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of said company shall be managed and conducted by twelve directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall at the time of their election be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of April in each and every year, at such time of the day, and in such place in Boston, as a majority of the directors, for the time being, shall appoint, of which election public notice shall be given in two of the newspapers printed in Boston, and continued for the space of ten days immediately preceding such election, and the election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as said company shall prescribe. And if through any unavoidable accident the said directors shall not be chosen on the second Monday of April as aforesaid, they may be chosen on any other day in the manner herein provided. And the secretary of said company, shall at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, call a meeting of the stockholders, to be holden at such time and place in Boston as they shall direct, for the purpose mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.
- Manner of their election.**
- Right of voting.**
- Secretary may call a meeting of stockholders.**
- Choice of president.** SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year. And in case

of the death, resignation, or inability to serve, of the president, or any directors, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

Vacancies to be filled.

SECT. 5. *Be it further enacted*, That the president and six of the directors, and seven in his absence, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear useful and proper touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of the directors, and all such matters as appertain to the business of insurance, and shall also have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and the president, as to the said board shall seem meet : *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Board of directors.

By-laws.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act are hereby authorized to call a meeting of said company, by advertising the same for two successive weeks in the Boston Patriot, American Statesman, and New-England Palladium, printed in Boston, for the purpose of electing their first board of directors, who shall continue in office till the second Monday of April, in the year of our Lord eighteen hundred and twenty-five, and till others shall be chosen in their stead : *provided, however*, that this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from the passing of this act : *and provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one hundred and fifty thousand dollars of the capital stock of said company shall have been paid in.

First meeting.

Conditions of this charter.

SECT. 7. *Be it further enacted*, That said company shall never take on any one risk against fire, or other risk, or loan on respondentia, or bottomry on any one bottom, at any one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in according to the provisions of this act.

Limitation of risks.

SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

Location.

SECT. 9. *Be it further enacted*, That the said insurance company shall be liable to taxation by any general law, providing for the taxing of all similar corporations, which are by law liable to be taxed. [Feb. 20, 1824.]

Liability to taxation.

Chap 132.

AN ACT to incorporate the Proprietors of Mechanic Hall in Lynn.

Persons incor-
porated.

Powers and
privileges.

May hold cer-
tain real estate.

Management of
corporate prop-
erty.

Shares.

Transfer of
shares.

Power to raise
money.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jacob Ingalls, William F. Ingalls, John B. Burrell, Richard Richards, and Timothy Alley, 3d, all of Lynn, their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the Proprietors of Mechanic Hall in Lynn; and the said corporation by the same name, are hereby declared and made capable in law to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter at pleasure, to make rules and by-laws for the regulation and management of the estate herein after described, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law doth or may appertain to bodies politic and corporate within the meaning and intent of this act.

SECT. 2. *Be it further enacted,* That the said corporation be, and the same hereby is declared and made capable to have, hold, and possess all that certain real estate, situate in said Lynn, bounded and described as follows, viz: southeasterly on the highway measuring five rods, southwesterly on the highway measuring six rods and twenty-two links of chain, northwesterly on land of Daniel Silsbee, measuring three rods and thirteen links of chain, northeasterly on land of Samuel Neall, there measuring five rods and one link of chain, or however otherwise bounded, together with all the privileges and appurtenances thereunto belonging, provided the lawful proprietors of the same convey it legally to said corporation, and the said corporation shall have power to sell, grant, and alien in fee simple, or otherwise, their corporate property, or any part thereof, within the said described limits, and to lease, manage, and improve, build, rebuild, or alter the same, according to the will and pleasure of said corporation, expressed at any legal meeting by the said associates, or their assigns, or a major part of them.

SECT. 3. *Be it further enacted,* That the said corporation property shall be divided into shares not exceeding one hundred in number, as the said corporation may find it most expedient; and the said shares shall be divided among the several proprietors according to the interest and portions which they may respectively have in said corporate property, and certificates of such shares shall be signed by the president of the corporation, and issued to the proprietors accordingly, and shall be transferable by assignment on the back thereof, and the property in the same shall vest in the assignee or vendee thereof, when a record of such assignment shall be made by the clerk of the corporation, whereupon new certificates shall issue accordingly, and the shares in said corporation shall in all respects, and at all times be held and considered personal estate.

SECT. 4. *Be it further enacted,* That the said corporation shall have power, from time to time, to assess such sums of money as at any legal meeting held and notified for that purpose, may

be deemed necessary for building, rebuilding, and repairing or altering any buildings whatever, on the land within the said described limits, or for the improvement or management of the corporate estate agreeably to the true intent and meaning of this act. And in case any proprietor shall neglect or refuse to pay any assessment so laid, the said corporation may cause such of the shares of such proprietors as may be sufficient therefor, to be sold at public auction after ten days notice in two public places in said Lynn, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale and advertisement, the surplus, if any, shall be paid over to such proprietors, and the purchaser of such share or shares, shall be entitled to receive a certificate of the share or shares by him purchased accordingly.

Sale of shares
of delinquents.

SECT. 5. *Be it further enacted*, That the said proprietors shall annually in the month of March, elect by ballot, a board of trustees to consist of five members, who shall choose one of their number for president, and the said proprietors shall also elect by ballot, a clerk and all other officers that they may deem necessary for conducting their corporate affairs and estate.

Election of
trustees and
officers.

SECT. 6. *Be it further enacted*, That the trustees or a major part of them, by a vote of a majority of the proprietors, each proprietor being allowed one vote for each share he may own, are hereby authorized and empowered to sell and convey in fee simple, lease, or mortgage, all, or any part of the real estate which they may hold as herein aforesaid, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by the president, with the seal of said corporation thereunto affixed, shall be good and valid in law.

Conveyance of
estate.

SECT. 7. *Be it further enacted*, That Jacob Ingalls, be, and he is hereby authorized to call the first meeting of said proprietors, by posting one or more notices of the time and place thereof, in one or more public place or places in said town, eight days at least before the time of meeting. And the said proprietors are hereby authorized to determine the mode of calling future meetings. [*Feb. 20, 1824.*]

First meeting.

An ACT regulating the Lobster Fishery in the town of Gloucester.

Chap 133.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of April next, it shall not be lawful for any person to take any lobsters within the harbors of the town of Gloucester, for the purpose of carrying away from said harbors. And any and every person offending against the provisions of this act, shall forfeit and pay the sum of ten dollars for every offence, and shall also forfeit all the lobsters so taken: *provided, nevertheless*, that the selectmen of said town may allow said lobsters to be taken and carried away as aforesaid, by all the citizens of this Commonwealth, by a general permission to them only, and for a time not less than one month, at one time, first giving public notice of such times in each year, within

Lobsters not to
be taken and
carried away
from the harbors
of Gloucester.

Selectmen may
give permission.

which they give such permission, by advertising the same two weeks successively in one public newspaper printed in the county of Essex, and two public newspapers printed in the county of Suffolk.

Limits of the harbors.

SECT. 2. *Be it further enacted*, That the harbors of said Gloucester shall be considered and taken by this act to be and to extend as follows, to wit: 'The harbor of Gloucester, from Norman's Woe, on the west side, to Eastern Point, on the south side. The harbor of Sandy Bay, from Gap-head, on the east side, to Pigeon Cove, on the north side. The harbor of Annis Squam, from Hallibut Point, on the east side, to Two Penny Loaf, on the west side.

Appropriation and recovery of fines.

SECT. 3. *Be it further enacted*, That all fines and forfeitures which may be incurred for offences against this act, shall accrue one half to him or them who may first sue for the same, and the other half to the use of the Commonwealth. And the said fines and forfeitures may be recovered with legal costs of suit by action of debt, or information before any justice of peace for the county of Essex; and any person or persons aggrieved by the sentence of the justice of peace, given in pursuance of this act, may appeal thereupon to the next court of common pleas to be holden in the county, in which judgment may be rendered. [Feb. 20, 1824.]

Chap 135.

An Act to provide payment to the county of Worcester, for the use of their House of Correction.

County of Worcester paid \$300 per annum for use of house of correction.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be allowed and paid to the treasurer of the county of Worcester, from the treasury of this Commonwealth, for the use and occupation of so much of the house of correction, in said county, as has been used by the convicts sentenced to the same by the justices of the supreme judicial court, or either of them, at the rate of three hundred dollars per annum for such term of time as said house of correction has been occupied for the use of the Commonwealth in manner aforesaid. And his excellency the governor, by and with the advice of council, is hereby authorized to draw his warrants on the state treasurer, for such sums as may be due to the county of Worcester, agreeably to the provisions of this act. [Feb. 21, 1824.]

Chap 136.

An Act to authorize Thomas Manning to erect a Dam across Ipswich River.

T. Manning authorized to erect a dam.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Manning be, and he is hereby authorized and empowered to erect and maintain a dam across Ipswich river, so called, about three miles above the stone bridge, and near a way leading from Topsfield road to said river, at the fording place, between the towns of Ipswich and Hamilton; which said dam, the said Thomas Manning, his heirs and assigns, may continue and maintain, so long as he or they may see fit, for the purpose of erecting grist or other mills, factory or factories, or

any other valuable purpose for which the same is suitable : *provided, however*, the said Thomas Manning, his heirs and assigns, shall make, and keep open through said dam, a passage way for the fish to pass up said river or stream, of the dimensions, and constructed in the same manner and subject to the same rules and penalties, as is provided by an act passed March twenty-eighth, one thousand seven hundred and eighty-eight, and the acts in addition thereto, to prevent the destruction of alewives and other fish in Ipswich river : *and provided, also*, that the said towns of Ipswich and Hamilton shall not hereafter be subjected to any expense in laying out or making any road or bridge leading from the roads in Hamilton or Ipswich, to, or for the accommodation of said mills or factory, but said roads or bridge shall always be made at the expense of said Manning, his heirs or assigns.

Shall keep open a passage way for fish.

1787 ch. 58.
(v. 1. p. 191.)

—and make roads and bridge.

SECT. 2. *Be it further enacted*, That any person or persons whose land or other property may be injured by erecting and maintaining or using said dam and water, whether by flowing or otherwise, shall have the like remedy and process for obtaining indemnity therefor as is now provided for like injuries under the several laws relating to mills in this Commonwealth. [Feb. 21, 1824.]

Remedy for damage.

An Act in addition to an Act, entitled “ An Act regulating the practice of Physic and Surgery.”

Chap 137.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any person who shall be graduated a doctor in medicine in the Berkshire Medical Institution, by the authority of Williams College, shall be entitled to all the rights, privileges and immunities granted to the medical graduates of Harvard University : *provided, however*, that at any time hereafter, when it shall be thought proper, the Commonwealth shall have the right of creating a board of overseers, to be composed of the trustees of said institution, and such other persons as the Commonwealth may designate for that purpose. [Feb. 21, 1824.]

1817 ch. 131.

Rights of graduates of Berkshire Medical Institution.

An Act for the encouragement of Medical Science.

Chap 138.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be appropriated, allowed and paid out of the treasury of this Commonwealth, annually, the sum of one thousand dollars, for the term of five years, to the Trustees of the Berkshire Medical Institution : *provided*, that the said trustees shall faithfully apply the same to the purchase, erection and repairing of suitable buildings, to the procuring of a library, chemical and philosophical apparatus, anatomical preparations and models, and for such other purposes as shall be deemed most conducive to the best interests of the institution. And his excellency the governor is hereby authorized and requested to draw his warrant accordingly. [Feb. 21, 1824.]

Chap 140.

An ACT to incorporate the Second Congregational Society in Medford.

Persons incor- porated.	<p>SECT. 1. <i>BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,</i> That Thatcher Magoun, John Bishop, John Bishop, Jun., John P. Clisby, Timothy Rich, Aaron Blanchard, Andrew Blanchard, Nathan Bryant, Elisha L. Tainter, Nathaniel Jaqueth, George B. Lapham, Jacob Butters, Galen James, Edward Rogers, Henry Rogers, Thomas Jameson, Joseph Clisby, Willard Butters, William Rogers, Jesse Crosby, George W. Reed, Jun., William Nash, John J. White, William C. Pratt, Thompson Kidder, Charles J. Hall, Gilbert Blanchard, Isaac Goodhue, Zenas Stoddard, Gilbert Brooks, James Kidder, Jun., Amos Joslyn, Edward Pratt, Benjamin Eastman, Thomas Pratt, Reuben Richardson, John B. Fitch, John Clough, Anthony Hatch, Charles James, Lazarus Drew, James H. Drew, Jacob Day, Bela Cushing, John Hinkson, Nathaniel H. Bishop, James Forsyth, William A. Edgery, and their associates and successors, be, and they are hereby incorporated as a religious society, for the support of the public worship of God, and for religious purposes, and constituted a body politic and corporate, by the name of the Second Congregational Society in Medford, and invested with all the rights, powers, liberties, privileges, franchises and immunities, commonly had, held, used, exercised or enjoyed by other religious societies incorporated for similar purposes in this Commonwealth. And the said corporation may sue and be sued in their corporate name aforesaid, and may make all reasonable rules and regulations for the government and management of the affairs, business and concerns of the said society, not repugnant to the laws and constitution of this Commonwealth. And the said corporation may take and hold by purchase, gift or otherwise, any estate, personal, real or mixed, the net amount of the income whereof shall not at any time exceed five thousand dollars.</p>
Powers and pri- vileges.	
Rules and by- laws.	
Estate.	
Who shall be considered members.	<p>SECT. 2. <i>Be it further enacted,</i> That no person shall be taken or considered as a member of said society excepting the proprietors of a pew or pews, or any part of a pew in the meeting-house of the said society, until he or she shall have obtained the approbation, in writing, of a majority of the standing committee of the said society; and all persons who shall have obtained such approbation as aforesaid, or who may be owners of a pew or pews, or any part of a pew in such meeting-house, as aforesaid, and who shall usually attend the public worship of God with the said society, and shall be liable to pay taxes for the support and maintenance thereof in the same society, for the time being, shall with their families, polls and estates, be taken and considered for all religious purposes as members of the said society, and all the members of the said society liable to taxation, as aforesaid, shall be entitled to vote at any meeting of the said society, on all questions, matters and things, excepting such as relate to the property of the said society, or to any sale or exchange, or investment thereof, or to the management, appropriation or disposal thereof,</p>
Right of mem- bers to vote.	

or any part thereof, or to the assessing or raising money by taxes on the pews in such meeting-house, as aforesaid, to be built, used and occupied by the said society for the public worship of God. But on all questions, matters and things to be determined or ordered, resolved, authorized, ratified, done or transacted in the said society, at any meeting thereof, relating in any way to the property of the said corporation, or to any sale, exchange or investment thereof, or to the management, appropriation or disposal thereof, or any part thereof, no person shall be taken or considered as a legal voter, but the actual proprietors of a pew or pews, or of any part of a pew in such meeting-house as aforesaid, or their agents duly authorized, and the proprietor or proprietors of each pew in such house as aforesaid shall be entitled to two votes and no more for such pew as aforesaid, in voting, in all cases where only such proprietors and persons, by them authorized shall be entitled to vote, but in all other cases the said proprietors shall each be entitled only to a single vote: *provided, nevertheless*, that while the said society have no such meeting-house as aforesaid, and until such meeting-house shall have been built and completed, all persons who have subscribed for, or may subscribe for any pew or pews, or part of a pew, and have agreed, or may agree to purchase the same in such meeting-house about to be built for the purposes aforesaid, shall be entitled to vote in like cases, and in like manner to have and exercise all the rights, powers and privileges given by this act to such proprietors as aforesaid.

Who are legal voters upon questions of property.

Proviso.

SECT. 3. *Be it further enacted*, That all monies to be raised by the said society by taxation for the support of the public worship of God, and other parochial purposes, may be assessed upon the polls and estates of the members of the said society, or upon the pews in the meeting-house of the said society, in case, by a majority of votes of such proprietors as aforesaid, to be given in manner aforesaid, it shall be so determined, or partly on the polls and estates aforesaid, and partly on such pews, if by a majority of such votes it shall be so determined. And in case any assessment shall be made upon such pews as aforesaid, according to such determination as aforesaid, the said pews may be taken and sold for the payment of all assessments duly made upon them as aforesaid, and for the expenses and charges of sale, in such manner, and on such conditions, as by a majority of such proprietors shall be determined: *provided, nevertheless*, that the assessments to be made on the polls and estates of the respective members of the said society, during any year, for the purposes aforesaid, shall in no case exceed the assessments that during the same year may be made upon the polls and estates of the respective members of the First Congregational Society in Medford for like purposes, regard being had to the relative value of their estates.

Assessment of taxes.

Proviso.

SECT. 4. *Be it further enacted*, That the persons entitled to vote in said society, shall annually, at such time and place as the said society shall hereafter appoint, choose by written ballot a committee of seven persons, being proprietors as aforesaid, to

Choice of standing committee and other officers.

be called the standing committee, for the purpose of managing the financial and prudential concerns of said society ; and a clerk, treasurer, three assessors, a collector, and a sexton, which said several officers shall continue in office during the year, and until others shall be chosen in their stead ; and the said society may, from time to time, choose such other officers and committees as they may think necessary and expedient for the managing, conducting and transacting the affairs, concerns and business of the society.

Withdrawal
from the soci-
ety.

SECT. 5. *Be it further enacted*, That when any member of the said society shall wish to withdraw from the same, he or she shall leave a written notification thereof with the clerk of the said society, and the poll and estate of such member shall thereafter be exempted from taxation in said society, but such persons so seceding from said society shall be holden to pay all the taxes already assessed upon his poll, or his or her estate ; and if he or she shall be a proprietor of a pew or pews, or part of a pew, shall at all times thereafter, so long as he or she may remain such proprietor, be liable to pay such assessment as may from time to time be made on the pews in such meeting-house as aforesaid.

Previous con-
tracts made &
valid.

SECT. 6. *Be it further enacted*, That all the contracts and doings of the said society previous to the passing of this act, be, and the same are hereby confirmed and made valid and binding in law, on the members thereof in their corporate capacity aforesaid.

First meeting.

SECT. 7. *Be it further enacted*, That Thatcher Magoun, or any other of the persons mentioned in the first section of this act, may cause the first meeting of the said society to be called, for the purpose of choosing the officers of said society, and for any other purpose, to be specified in a notification to be posted up in three conspicuous places in said town of Medford, seven days, at least, before the time to be appointed for such meeting. [*Feb. 21, 1824.*]

Chap 148.

An Act authorizing the extension of Faneuil Hall Market in Boston.

The city coun-
cil of Boston
may decide up-
on the extension
of Faneuil hall
market.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever the city council of the city of Boston shall declare that the public exigences require that the limits of Faneuil Hall Market should be extended in any direction between Ann street on the north, a line drawn from the east end of Faneuil Hall, on the west, the south side of Faneuil Hall, and the lane leading to Green's wharf, on the south, and the harbor on the east, it shall be lawful for the mayor and aldermen of said city, within one year from the first day of April next, to lay out and widen Faneuil Hall Market, in such direction within the limits aforesaid, not exceeding one hundred and eighty feet wide, as may be prescribed by the city council : *provided*, that the land taken, by virtue of this act, shall never be used for any other purposes than those herein described, without the previous consent of the Legislature being obtained therefor.

Proviso.

SECT. 2. *Be it further enacted,* That it shall be the duty of said mayor and aldermen, previously to removing any building or doing any act affecting said property, to notify a meeting of the proprietors, or legal representatives, of the estates which may be included within the said limits, and directed by the city council, to be appropriated for the purposes aforesaid, and invite their concurrence in a submission and reference of all questions relating to the damages which they may sustain by such appropriation, to five disinterested freeholders and inhabitants of this Commonwealth, two to be chosen by said mayor and aldermen, and two by the proprietors; which four persons shall elect one more; and the five thus chosen shall forthwith, after the said market shall have been extended in manner aforesaid, give notice to both parties to appear, if they see fit, for a hearing before them, and shall proceed to the duties of their appointment. And they shall first inquire whether any damage has been sustained from the proceeding aforesaid, and if any, they shall estimate the same and their award shall be binding and conclusive on the inhabitants of said city of Boston, and on said proprietors. And in case any of said proprietors shall not agree to said submission, the same reference shall be had, in manner and form aforesaid, with those who do agree to the same.

Duty of the mayor and aldermen to refer questions of damages.

Manner of appointing referees.

SECT. 3. *Be it further enacted,* That any of said proprietors, or legal representatives of any estates taken for the purposes aforesaid who may not agree to said reference, may, within three years from the time that the land or estates shall have been so taken, file his petition for indemnity in the supreme judicial court within the county of Suffolk, before or during any term thereof, and after fourteen days notice, which shall be given by leaving a copy of said petition with the mayor of the city of Boston, the court may proceed to the hearing of the said petitioners, upon the appearance or default of the adverse party; and the said court are hereby authorized and empowered to appoint five commissioners, who shall be disinterested freeholders and inhabitants of this Commonwealth, whose duty it shall be to estimate and determine the damages which the plaintiff may have sustained, in the manner, and upon the principles set forth and expressed in the second section of this act, and shall make return of their award into said court as soon as may be, and upon the acceptance thereof, judgment shall be rendered thereon for the party prevailing, with costs: *provided, however,* that if either party shall be dissatisfied with said award, it shall be lawful for such party to apply to the supreme judicial court, at any term thereof, within and for the county of Suffolk, next after such award, for a trial by a jury, at the bar of said court, and thereupon the court shall direct the sheriff of the county of Suffolk, to name and return a special jury, who shall be disinterested freeholders, to hear and determine in said court, all questions relating to said damages, and to assess the amount thereof; and the verdict of such jury *[shall]* be final and conclusive upon the parties; and if the party applying for a jury shall not obtain, in case it shall be the original plaintiff, or applicant, an

Proprietors may file petition for indemnity in S. J. Court.

Court may appoint commissioners.

Party dissatisfied with award may apply for trial by jury.

- Costs. increase of damages, or in case it be the original defendant, a decrease of damages awarded by the commissioners, such party shall pay reasonable costs of such trial, otherwise shall recover reasonable costs, and upon any judgment rendered on the verdict of such jury, the court may issue execution accordingly.
- Trustees, administrators, &c., of estates authorized to act. **SECT. 4.** *Be it further enacted,* That in case any property or estates shall be taken under the provisions of this act, which may be held in trust, or be the property of married women, or belong to minors, or persons non-compos, or the unsettled estates of persons deceased, the trustees of such estates held in trust, such married women with their husbands, and the guardians of such minors or persons non-compos, and the administrators and executors of such estates are hereby authorized to enter into such references, or take such other measures as proprietors are by this act authorized to do : *provided, however,* that the damages which may be awarded by the commissioners or recovered by verdict, belonging to estates held in trust, or the property of married women, shall be paid to the trustees of such estates so held in trust, and the husbands of such married women, if such married women shall thereto consent in writing, and if not, then to [a] trustee or trustees to be appointed by the supreme judicial court, at any term thereof, on application of any such married woman, in trust to hold and invest the same, and pay over the income thereof to the husband of such married woman, so long as he would have been entitled to the use and possession of said estate, and then to pay over the principal to such person or persons as would have been entitled to have said estate, if the same had not been taken by the provisions of this act, with such securities, limitations, and restrictions as said court shall on such application direct. And the damages awarded to unsettled estates of deceased persons, or minors, or persons non-compos shall be subject to the same disposition which is now by law provided for the surplus arising from the sales of real estate by administrators and guardians, under the order of court. [*Feb. 21, 1824.*]
- Proviso.
- Disposition of damages.

Chap. 1.

AN ACT to incorporate the South Church in Dedham.

- Persons incorporated. **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Cogswell, Jacob Guild, David Andrews, Jesse Gay, Jesse Gay, Jr., Enoch Talbot, Phinehas E. Dean, John Dean, 2d, Dean Chickering, Luke Coney, Homer Fales, Eliphalet Fales, Ebenezer Blake, Aaron Guild, with their associates, be, and they hereby are incorporated and made a body politic, by the name of the South Church in Dedham ; and shall have power to make and use a common seal, and the same to break and alter at their pleasure ; and to make such by-laws for the orderly direction of the business of said body politic, as shall not be repugnant to the constitution and laws of this Commonwealth.
- By-laws.
- Estate. **SECT. 2.** *Be it further enacted,* That said body politic may hold property, real or personal, or both, to the amount of ten

thousand dollars, for the purpose of supporting, with the income thereof, the preaching of the gospel, and for other benevolent and religious purposes ; and that the property which has heretofore been bequeathed or otherwise given to the South Church in Dedham, and now in possession of the deacons of said church, shall hereafter be held by said body politic, subject to all the conditions and under all the trusts that were annexed to such bequests and gifts by the donors thereof.

Donations.

SECT. 3. *Be it further enacted*, That said body politic shall at their first meeting, elect a clerk, a treasurer, and a committee of three, with such powers as shall be prescribed by the by-laws of said body politic ; and that the first meeting thereof may be called by William Cogswell above named, by posting a notification thereof, eight days before the time appointed for such meeting, in the meeting-house in the South Parish in Dedham. [June 5, 1824.]

Officers.

First meeting.

An ACT in further addition to an Act for incorporating the Proprietors of the Boston Pier, otherwise called the Long Wharf, in the town of Boston.

Chap. 2.

BE it enacted by the Senate and House of Representatives, in General Court, assembled, and by the authority of the same That the Proprietors of Boston Pier, or Long Wharf, so called in the the town of Boston, now the city of Boston, be, and they are hereby declared capable in law, in their corporate name and capacity, to purchase, and to have, hold, and enjoy any and all such lands, tenements, and hereditaments, and the rents, profits, and benefits thereof, as the same proprietors shall judge necessary or expedient for the improvement of said wharf, for widening or improving the passages thereto : *provided*, that such lands, tenements, and hereditaments so to be purchased and held, in addition to the real estate now held by said Proprietors, at the time of the purchase thereof, shall not exceed in value the sum of one hundred thousand dollars. [June 5, 1824.] Add. act, 1825 ch. 117.

July 14, 1772.
1806 ch. 11.Proprietors of
Long Wharf
empowered to
purchase additional real estate.

Proviso.

An ACT in addition to an Act entitled an Act to incorporate the Proprietors of the Branch Church in Salem, in the county of Essex.

Chap. 4.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the corporation aforesaid shall, from and after the passing of this act, be known and called by the name of "the First Presbyterian Church in Salem," any thing in the said act, to which this act is in addition, to the contrary notwithstanding.

1804 ch. 119.
(v. 3. p. 553.)

Name changed.

[Name altered
again, 1828 ch.
3.]

SECT. 2. *Be it further enacted*, That said corporation shall be, and hereby are vested with, and entitled to all the powers, privileges, rights, and immunities, under their said corporate name of "The First Presbyterian Church in Salem," and shall also be subject to all the duties and liabilities to which they are entitled, and subject by the said act to which this act is in addition. [June 5, 1824.] Add. act, 1828 ch. 3.

Powers, privileges,
and liabilities.

Chap. 5.

An Act establishing a corporation by the name of the East India Marine Hall Corporation.

Persons incor-
porated.

Powers and
privileges.

By-laws.

Real estate.

Dividends.

Number of
shares.

Assessments.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Stephen Phillips, John Andrew, Abijah Northey, Nathaniel L. Rogers, and Samuel Red, and all such persons as may hereafter associate with them as proprietors, their successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the East India Marine Hall Corporation, and by that name may sue and be sued, plead and be impleaded, defend and be defended in any courts of record, or in any other place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic ought to do and suffer, and shall have power to make, have, and use a common seal, and the same again at pleasure to break, alter, and renew, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their property and affairs ; and for the breach of such by-laws, ordinances, and regulations may order fines and penalties, not exceeding ten dollars for every breach : *provided*, that such by-laws, ordinances, and regulations shall not be repugnant to the laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That the said corporation, shall be, and hereby is declared capable to purchase, have, hold, and possess any lands, tenements or hereditaments, not exceeding fifty thousand dollars in value, lying in the town of Salem, in the county of Essex, and shall have power to erect any houses and other buildings, on any real estate owned by them, and shall have power to grant, sell, and alien in fee simple, or otherwise, the said corporate property, or any part thereof, and to lease, exchange, manage, and improve the same, according to their will and pleasure. And the rents, profits, and receipts, which may accrue from the improvements, leasing, or other management of the corporate property aforesaid, may and shall once at least in every year, be divided among the proprietors according to their respective shares.

SECT. 3. *Be it further enacted,* That said proprietors may, at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding two hundred and fifty, of which the Salem East India Marine Society shall be entitled to hold any number which it may choose to take or purchase ; and may agree upon the form of certificates to be given to the proprietors, of the number of shares by them respectively held, and upon the mode and conditions of transferring the same ; which shares shall be held and considered as personal estate, to all intents and purposes whatsoever ; the said proprietors shall also have power to assess on each share, such sums of money as may be deemed necessary for purchasing any lands, tenements, or hereditaments for the use of the corporation, and for repairing and erecting houses and other buildings, on any part of their real

estate ; and generally for the improvement and good management of their said estate, agreeably to the true intent of this act ; and to sell and dispose of the same shares, or of the shares of any delinquent proprietor, for the payment of assessments, in such way and manner, as said corporation may, by their by-laws and regulations, determine and agree upon : *provided, however*, that the value of the houses and buildings, which may be owned by the said corporation at any one time, shall not exceed fifty thousand dollars, exclusive of such as may be taken as security for debts due to them.

Delinquents' shares may be sold.

Proviso.

SECT. 4. *Be it further enacted*, That all meetings of the corporation shall be called in such manner as the by-laws and regulations thereof shall provide, and there shall be an annual meeting at some time and place to be prescribed by such by-laws and regulations, at which there shall be chosen a president and three directors, and such other officers as the proprietors may deem meet ; but no person shall be eligible as president or as a director, who is not a member of the Salem East India Marine Society ; and in case of any vacancy in any office, before the annual meeting, the proprietors may, at a special meeting to be called for that purpose, proceed to fill such vacant office, and the person so chosen and accepting, shall, unless otherwise removable, hold the same until the next annual meeting : and at all meetings of the corporation the Salem East India Marine Society, shall be entitled to one vote for every two shares owned by the same society, and every other proprietor shall be entitled to one vote for every share owned by him, but in no case to have more than ten votes : *provided, however*, that no person shall be entitled to vote at any meeting of the corporation, who shall not at the time, be a member of the said Salem East India Marine Society.

Meetings.

Officers.

Vacancies, how filled.

Right of voting.

Proviso.

SECT. 5. *Be it further enacted*, That the president and directors shall hold their offices during one year, and until others are chosen in their stead ; and a majority of the persons so being president and directors, shall constitute a quorum for transacting business, and the said president and directors shall have the management of the property and other prudential concerns of the corporation, and shall exercise such other powers and authorities as shall from time to time be entrusted to them by the corporation, by their by-laws or otherwise.

Quorum of directors.

SECT. 6. *Be it further enacted*, That Stephen Phillips, John Andrew and Abijah Northey, or any two of them, shall have authority to call the first meeting of the said corporation, by advertising the same in some public newspaper printed in the town of Salem, at least ten days before the time of meeting, and at that or any other meeting, the proprietors may proceed to choose a president, directors, treasurer, clerk, and other officers, to serve until others shall be chosen in their stead, and to make such by-laws and rules, for the government of the corporation and management of its concerns, as to them shall seem meet, and to authorize the president and directors to purchase any real

First meeting.

estate, erect houses and other buildings, levy and collect assessments, sell delinquents' shares, and generally to do and transact all and every business which the corporation is by this charter authorized to transact. [June 7, 1824.]

Chap. 6.

An ACT to incorporate the Proprietors of the Monitorial School in Boston.

Persons incor-
porated.

Estate, real and
personal.

Shares.

First meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Savage, Jonathan Phillips, Francis J. Oliver, John S. Foster, and their associates and successors, be and hereby are incorporated and made a body politic, by the name and style of the Proprietors of the Monitorial School in the city of Boston, with power to hold real estate, not exceeding the amount of twelve hundred dollars annual income, and personal estate not exceeding the amount of three thousand dollars annual income, for the establishment and support of one or more schools for instruction of youth of both sexes on the monitorial system or principle of mutual instruction, with such additions and improvements as experience may justify.

SECT. 2. *Be it further enacted,* That the stock of said corporation may be divided into as many shares, of the value of twenty dollars each, as to the associates may seem expedient, and may be entitled to such privileges and subject to such restrictions as they shall direct and establish: *provided, however,* that such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 3. *Be it further enacted,* That the first meeting of said corporation shall be holden after three days notice in two newspapers in the city of Boston, by any two of the persons named in the first section of this act. [June 8, 1824.]

Chap. 7.

An ACT to extend the term for the Proprietors of the Merrimack Canal to open and complete the same.

1819 ch. 51.

Time for com-
pleting canal
extended.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of the Merrimack Canal be, and they hereby are allowed a further time of six years, from and after the nineteenth day of June, which will be in the year of our Lord one thousand eight hundred and twenty-five, to open and cut said canal, and to do all things, which in and by their act of incorporation they are authorized to do, and on the same terms, any limitation in the said act of incorporation to the contrary notwithstanding. [June 9, 1824.]

Chap. 9.

An ACT in addition to an Act to incorporate the President, Directors and Company of the Merchants' Bank.

1811 ch. 52.

Increase of cap-
ital stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Merchants' Bank be, and hereby are authorized and empowered to increase their present capital stock, by an addition of one hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such

times, and shall be so disposed of, as a majority of the stockholders at any legal meeting may direct and determine : *provided*, [Time extended 1826 ch. 25.] *however*, that the whole amount shall be paid in, on or before the first day of November next.

SECT. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the capital stock of said corporation is now liable to, by virtue of the act to which this is in addition. [June 12, 1824.] Add. acts, 1826 ch. 25 : 1830 ch. 58. Subject to tax, &c.

An Act to incorporate the Trustees of the Ministerial Fund of the Congregational Society in the town of Leicester.

Chap. 10.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel P. Denny, Austin Flint, Henry Sargent, John Sargent and Joshua Murdock, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund belonging to the Congregational Society in the town of Leicester ; and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, may have a common seal, and shall possess and enjoy such other powers and privileges as are incident to corporations of a like nature. Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to take and receive in their hands and possession, the whole of the funds at present belonging to said society, and may receive and hold such further subscriptions, donations, grants, bequests and devises, as may hereafter be made to them, or the inhabitants of said society, the interest of which fund shall be forever appropriated annually towards the support of such congregational minister, as shall or may, from time to time, be ordained over the church and said society, in said town : *provided*, the annual income of said fund shall not exceed two thousand dollars : *and provided, also*, that if the income of said fund shall at any time exceed the annual salary of the minister, the surplus may be appropriated, under a vote of said society, to the promotion and encouragement of church music, or other parochial charges. May take present funds.

Appropriation of interest.

Limitation of income.

SECT. 3. *Be it further enacted*, That the inhabitants of said society, at any legal meeting called for that purpose, within one year from the passing this act, may increase the number of trustees, by electing by ballot an additional number from said society, not exceeding two, to those named in this act. And if the said inhabitants shall neglect to make such election, the trustees herein named are hereby authorized, if they see fit, to choose one additional trustee, so that the whole number shall never exceed seven, nor be less than five ; and in all meetings, the attendance of a majority of the board of trustees shall be requisite for the transaction of business. Number of trustees may be increased.

SECT. 4. *Be it further enacted*, That whenever any vacancy shall happen among said trustees, by death, resignation, removal, or otherwise, the said trustees are authorized and directed, at

Vacancies, how filled.

their next meeting, to elect some suitable member of said society to fill up the vacancy in their board.

Clerk and
treasurer.

SECT. 5. *Be it further enacted*, That the said trustees shall appoint a clerk, who shall be under oath faithfully to record all the votes and transactions of the board, and a treasurer, who shall give bond to the trustees and their successors, with sufficient surety, conditioned to do and perform all the duties incumbent on him as treasurer, which officers shall hold their respective offices until others shall be chosen and qualified to succeed them.

Records to be
open to inspection.

SECT. 6. *Be it further enacted*, That the records and proceedings of the trustees shall at all times be open to the inspection of any committee that may be appointed for that purpose on behalf of the society; and [the said] trustees shall, whenever called upon by vote of the society, make a report of the state of the fund; and if the said trustees, or either of them, shall suffer the said fund to be impaired or diminished, through their personal misconduct or misapplication, they shall be severally responsible to the society to make good such loss out of their private estate.

First meeting.

SECT. 7. *Be it further enacted*, That Austin Flint, Esq. be, and he hereby is authorized to call the first meeting of said trustees. [June 12, 1824.]

Chap. 11.

An Act in addition to an Act, entitled "An Act to incorporate the Manufacturers' Insurance Company of Boston."

1821 ch. 105.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Manufacturers' Insurance Company be, and they are hereby invested with all the powers and privileges, and subject to all the restrictions and obligations contained in a law of this Commonwealth, passed on the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-three, entitled "an act to incorporate the Franklin Insurance Company in Boston." [June 12, 1824.]

1822 ch. 80.

Chap. 12.

An Act in addition to an Act, entitled an Act incorporating the Atlas Insurance Company.

1823 ch. 71.

Real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the said Atlas Insurance Company shall be, and hereby is authorized and empowered to purchase, hold and convey real estate, for the use and benefit of said company, to and of the value of one hundred thousand dollars.

Number of directors.

SECT. 2. *Be it further enacted*, That the stock, property, affairs and concerns of said company shall be managed by fifteen directors.

SECT. 3. *Be it further enacted*, That so much of the afore-said act, incorporating the Atlas Insurance Company, as is inconsistent with this act, be and hereby is repealed. [June 12, 1824.]

AN ACT to establish the Central Turnpike Corporation.

Chap. 13.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Slater, Jonathan Davis, Joseph Valentine, Eli Warren, John Brown, Sylvanus Holbrook, Daniel Tourtilot and John J. Clark, together with such others as have associated or may hereafter associate with them, their successors and assigns, be and hereby are made a corporation, by the name of the Central Turnpike corporation, for the purpose of making a turnpike road, from the Worcester turnpike road, by White and Sargent's, in Needham, in the county of Norfolk, in the best direction through Natick, to the southerly end of Farm pond, in Framingham, in the county of Middlesex, or to begin at said Worcester turnpike, a little west of Natick pond, so called, thence in the best course to intersect the first named route, at the southerly end of said Farm pond, as the locating committee shall judge most fit and proper ; thence in the best course to Jones's mills, in said Framingham ; thence in the best direction to Hopkinton meeting-house ; thence in the best course to Samuel Forbush, Jr. in Upton, in the county of Worcester ; thence in the best direction to the house formerly kept by Lovel Baker, in said Upton ; thence in the best course to or near the Fowler or Southwick bridge, over Blackstone river, near Sylvanus Holbrook's factory, in Northbridge ; thence in the best direction to Jason Water's, in Sutton ; thence in the best course to Samuel Slater's factory village, in Oxford and Dudley ; thence in the best direction to the line between the states of Massachusetts and Connecticut, running near Phipps' and Buckston's dwelling-houses ; and shall have the right to erect four whole gates ; and shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties, prescribed and contained in "an act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto.

Persons incorporated.

Route of turnpike.

Powers and privileges.

1804 ch. 125.

SECT. 2. *Be it further enacted,* That the stock of said corporation shall be divided into four hundred shares, of seventy-five dollars each, and every person who may subscribe for any share in said corporation, shall bind himself and his heirs to the payment of the sum of seventy-five dollars on each and every share for which he may subscribe, payable in such instalments as the corporation, by their vote, may direct ; and no person shall be holden to pay a greater sum than seventy-five dollars on any share by him subscribed for, in the stock of said corporation : *provided,* nevertheless, that if the proceeds of said four hundred shares shall be insufficient to defray the expense of completing said turnpike road, and keeping the same in repair, the said corporation shall have power and authority to increase the number of shares to such an extent as they may deem necessary for the purposes aforesaid.

Shares.

Proviso.

Power to increase the number of shares.

SECT. 3. *And be it further enacted,* That the committee who were appointed to view said route, be a committee, at the expense of the corporation, to lay out or locate said turnpike

Viewing committee to locate road, and make return thereof.

road, who shall be invested with the same powers, observe the same rules, be under the same restrictions, perform the same duties, and make return of such part of their doings to the court of general sessions of the peace, within and for the respective counties in which said road is situated, in the same manner as is provided by law for committees appointed by said court for laying out public highways, any law or usage contrary to the provisions of the above section notwithstanding. [June 12, 1824.] Add. act, 1829 ch. 7 : 60.

Chap. 14. An Act in addition to an Act to incorporate the President, Directors and Company of the Columbian Bank.

1821 ch. 90.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the tenth section of the act, incorporating the President, Directors and Company of the Columbian Bank, as prohibits them from paying or receiving any bill or note of any other bank, for any less sum than the nominal value expressed in such bill or note, be, and the same is hereby repealed. [June 12, 1824.] Add. act, 1830 ch. 58.

Chap. 15. An Act to authorize the Proprietors of West Boston Bridge to establish a Turnpike Road from Cambridge to Watertown.

Route of road.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of the West Boston Bridge be, and they are hereby authorized and empowered to make and establish a turnpike road from a point in the old road in said Cambridge, near the store of Edmund T. Hastings, in nearly a straight line, crossing Charles' river by a bridge, to a point in the old road, near the dwelling-house of James Hovey, in Brighton; thence in a direction nearly in the course of the old road, to a point therein, near the dwelling-house of John Herrick, in said Brighton; thence across Charles' river, by a bridge passing northerly of the United States' arsenal, and entering the square in Watertown, northerly of the Watertown turnpike, under the direction of the locating committee, and with the consent of any person or persons through whose premises said road shall pass, bounding on the old road or square in Watertown; with all the powers and privileges, and subject to all the requisitions and penalties established by the act, entitled "an act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto; said road over the marshes to be laid out of such width as the locating committee may deem necessary and expedient, for the making and security thereof: *provided*, that neither the towns of Watertown, Cambridge, or Brighton, shall ever be compelled to support any part of said road or bridges without their own consent: *provided, also*, that said proprietors shall be required to erect a draw for the passage of vessels in the bridge leading from Cambridge to Brighton, of the same dimensions, and upon the same conditions as are prescribed for the erection of a drawer [*draw*], in the act, entitled "an act incorporating certain persons for the purpose

Powers.

1804 ch. 125.

Proviso.

1807 ch. 74.

of building a bridge over Charles' river, between Cambridge and Brighton, in the county of Middlesex," passed March second, in the year of our Lord one thousand eight hundred and eight: *and provided, also*, that said proprietors shall be required to erect a draw in the other bridge, granted by this act, leading from Brighton to Watertown, of the same dimensions and upon the same conditions as above prescribed for the erection of the other draw, whenever there shall be erected and established a drawer [*draw*] in the old bridge leading from Cambridge to Brighton.

SECT. 2. *Be it further enacted*, That the joint committee of the senate and house of representatives, for the time being, on the subject of bridges, turnpikes and canals, or a majority of them, be, and they hereby are authorized to perform all the duties of a committee for laying out the road hereby granted, and for assessing the damages which may be occasioned by the establishment of said road and bridges to any individuals whose lands may be taken therefor, and to the town of Brighton, in their rights of fishing in Charles' river, if any; and their return, made to the court of sessions, in the county of Middlesex, shall be [*as*] effectual in law, as that of any committee which might be appointed by said court of sessions for the same purpose, saving to either party the right of trial by jury, as is provided in the general turnpike act.

Joint committee of the Legislature to locate road, and make return thereof.

SECT. 3. *Be it further enacted*, That said Proprietors of West Boston Bridge be, and they are hereby authorized to erect a toll gate, upon any part of said road, which they may find most convenient for collecting tolls, and shall be entitled to demand and receive from each traveller or passenger, the same amount of tolls which the Ninth Massachusetts Turnpike Corporation is now authorized to receive at its gates in Bellingham, by an act passed on the eighth day of February, in the year of our Lord one thousand eight hundred and twenty-two, [*twenty-three*] and no greater: *provided, however*, that the Legislature may at any time reduce the toll, so that the net proceeds thereof may not exceed six per cent. per annum, of the cost of said road and bridges, calculating upon the average dividends of three preceding years. [*June 12, 1824.*]

Tolls.

1822 ch. 67.

Proviso.

An ACT to regulate the Side-walks in the town of Charlestown.

Chap. 16.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That in all streets which shall hereafter be paved in the town of Charlestown, the side-walks shall be made according to the following regulations, viz: the foot-path or side-walk on each side of the street, shall be of a breadth not exceeding one sixth part of the whole width of the street, and shall be paved with brick or flat stone, and shall be secured with good and sufficient hammered edge stone on the outside of the same.

Width of side-walks.

SECT. 2. *Be it further enacted*, That whenever the town shall direct the paving of any public street as aforesaid, each and every owner or owners of a lot or lots of land adjoining the same,

Owners to pave side-walks.

shall without delay, at his or her own expense, cause the side-walk in front of his or her land, to be paved with brick or flat stone, and supported by hammered edge stone, and kept in repair, the same to be done under the direction, and to the acceptance of the surveyors of the highways. And if the owner or owners of such lot or lots, shall neglect or refuse to pave and support the side-walk as aforesaid, for the space of twenty days after he or she, or the tenant of such lot or lots, or the attorney of such owner or owners, shall have been thereto required, by any of the surveyors of highways, then it shall be lawful for said surveyors, and they are hereby enjoined and required to pave and support the same in manner aforesaid, or to repair the same, and shall recover the whole amount of the expense thereof, by action of the case, to be brought by the surveyors of highways before any court proper to try the same: *provided, nevertheless*, that whenever in the opinion of the selectmen, any owner or owners of any lot on such street, shall be unable to comply with the foregoing requisitions, the said selectmen may direct the surveyors of highways to cause such side-walk to be made at the expense of the town: *provided, also*, that when there are any vacant lots of land on any such street, the surveyors of highways may, at their discretion, allow the owner or owners thereof, to cover the side-walk with plank, and support the same with timber, which shall be removed, and the edge stone, and brick or flat stone pavement be completed, whenever in the judgment of said surveyors, it shall become necessary.

In case of neglect, surveyors to do it

— and recover expense of owners.

Provisos.

Width of canopies, balconies, &c., regulated.

SECT. 3. *Be it further enacted*, That no canopy, balcony, portico, or door-steps, hereafter erected in any street, lane, or alley, in the town of Charlestown, shall project into such street, lane, or alley, more than one twelfth part of the width thereof, and in no case more than three feet, and all cellar doors hereafter made or repaired, shall be built with upright cheeks, which shall not project from the line of the house, into the street, lane, or alley, more than nine inches, nor shall the platform of the same rise above the level of the side-walk. And if any proprietor, owner, or owners, shall erect any canopy, balcony, portico, cellar-door, door-step, or other obstruction, contrary to the provisions of this act, and shall refuse or neglect to remove or take down the same, within five days after having been directed and required thereto, by any of the surveyors of highways, such proprietors, owner, or owners shall forfeit and pay the sum of two dollars for each and every day the same shall remain after the expiration of the said five days.

Fines.

Distribution of fines.

SECT. 4. *Be it further enacted*, That all forfeitures and fines which may be recovered in pursuance of this act, shall go and be distributed, one moiety thereof to the poor of the town of Charlestown, and the other moiety to the surveyors of highways. [June 12, 1824.]

AN ACT to repeal the second section of an Act entitled "An Act for altering the dividing line between the towns of South Hadley and Granby," and to establish the line between said towns.

Chap. 17.

1781 ch. 5.
(v. 1. p. 18.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the second section of an act entitled "an act for altering the dividing line between the towns of South Hadley and Granby," passed on the twenty-eighth day of June, in the year of our Lord one thousand seven hundred and eighty-one, be, and the same is hereby repealed; and that in future the dividing line between said towns shall be as follows, viz: beginning at a pine tree, now a boundary between said towns, standing on Springfield line, about half a mile west of Stoney brook, so called, thence running northwardly a direct course to the parting of the roads on the north side of Bachelors' brook, near the sand banks, so called, one of said roads leading to Amherst, and the other to Granby; and from thence to continue straight forward, the same point of compass, to Hadley bounds. [June 12, 1824.]

Dividing line
established.

AN ACT in addition to "An Act to incorporate the President, Directors and Company of the Eagle Bank."

Chap. 18.

1821 ch. 91.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the tenth section of the act incorporating the President, Directors and Company of the Eagle Bank, as prohibits them from paying or receiving any bill or note of any other bank, for any less sum than the nominal value expressed in such bill or note, be, and the same is hereby repealed. [June 12, 1824.] Add. act, 1830 ch. 58.

AN ACT to incorporate the Christian Union Society in Haverhill.

Chap. 19.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Plummer, Henry Plummer, Hiram Plummer, and Abel Nichols, and all others who may associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the Christian Union Society in the town of Haverhill, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by law.

Persons incor-
porated.

Privileges and
powers.

SECT. 2. *Be it further enacted,* That the said society shall be capable in law, to purchase, hold, and dispose of any estate, real or personal, for the use of said society, provided the annual income thereof shall not exceed, at any time, the value of one thousand dollars.

Estate.

SECT. 3. *Be it further enacted,* That any justice of the peace for the county of Essex, be, and he hereby is authorized to issue his warrant to some member of said society, requiring him to warn the members thereof to meet at such convenient time and place, in said town, as shall be therein directed, to choose a moderator, a clerk, a treasurer, and such other officers, committee or committees as they shall deem needful. [June 12, 1824.]

First Meeting.

Chap. 20. An Act in addition to an Act, entitled "An Act to incorporate the Suffolk Insurance Company."

1817 ch. 112.

Real estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Suffolk Insurance Company, incorporated in the year of our Lord, one thousand eight hundred and eighteen, be, and is hereby authorized to have and hold real estate, (exclusive of mortgages,) to the value of one hundred thousand dollars, any thing in the act to which this is in addition to the contrary notwithstanding. [June 12, 1824.] Add. act, 1836 ch. 149.

Chap. 21.

An Act to incorporate the Plymouth Cordage Company.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Bourne Spooner, William Lovering, Jr., John Dodd, and John Russell, together with such others as may be associated with them, and their successors, be, and they are hereby made a corporation by the name of the Plymouth Cordage Company, for the purpose of manufacturing cordage; and for that purpose shall have all the powers and privileges, and also be subject to all the duties and requirements prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing companies [corporations];" and the several acts in addition thereto.

Real and personal estate.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding the value of sixty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cordage. [June 12, 1824.]

Chap. 22.

An Act in addition to an Act, entitled "An Act to incorporate the Trustees of the Green Foundation."

1823 ch. 102.

e final to be annexed to the name of Green.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an e final, be annexed to the name of Green, in the style and title of said corporation, and also to said name wherever it occurs in said act, so that the same may be read and understood to be Greene.

Board of trustees for doing business.

SECT. 2. *Be it further enacted,* That not less than nine of the trustees of said corporation shall constitute a board for doing business, and the concurrence of at least two thirds of the trustees present at any meeting, shall be requisite to every act and proceeding whatever, except the adjournment of a meeting, for which purpose a majority of any number present shall be sufficient; any thing in the act to which this is in addition to the contrary notwithstanding.

Greene valid as heretofore used.

SECT. 3. *Be it further enacted,* That all transactions of said trustees, in which the name of Greene has been heretofore used with a final e, shall be as valid in law as though the said name had been spelt as in the act to which this is in addition. [June 12, 1824.]

An ACT to alter the name of the West Parish in West Newbury.

Chap. 24.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Parish in West Newbury, which was formerly known and styled as the Third Parish in Newbury, shall hereafter be known and styled the Second Parish in West Newbury, and hold, possess and enjoy all the rights and privileges now to them belonging, together with all the powers incident to parishes, and shall be subject to all the liabilities of parishes and precincts. [June 12, 1824.]

Powers and liabilities.

An ACT in addition to an Act, entitled an Act to establish a Fund for the support of the Gospel Ministry in the South Parish in the town of Reading, in the county of Middlesex, and to appoint Trustees for the management thereof.

Chap. 25.

1823 ch. 43.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the parish shall have power at all times to remove any or all the trustees for inability, negligence or misconduct in the performance of the duties of their office, and said trustees shall always be elected from the members of said parish, and whenever any trustee shall cease to be a member of said parish, his office as trustee shall thereby become vacated, and any vacancy so made, and all vacancies which shall happen in the board of trustees, may be filled by the parish, at a legal meeting for that purpose, and if the parish shall neglect to fill any vacancy or vacancies for the space of three months after the same shall happen, the remaining trustees shall proceed to fill such vacancies immediately, in like manner.

Removal of trustees.

Vacancies, how filled.

SECT. 2. *Be it further enacted,* That the trustees of the ministerial fund are hereby vested with, and entitled to receive all the property which has been vested in them by the parish on the condition of the passing this act, to be managed agreeably to the act incorporating said trustees, and this additional act thereto. And said trustees are hereby empowered to loan money in sums of two hundred dollars and under, by taking security of the principal and two sufficient sureties, and not otherwise.

Trustees may take property, and loan the same.

SECT. 3. *Be it further enacted,* That the said trustees shall pay to the minister no more than three hundred dollars annually, until the annual income amount to three hundred and fifty dollars, and no more than three hundred and fifty dollars, until the annual income shall amount to four hundred dollars, and no more than four hundred dollars, until the annual income shall amount to four hundred and fifty dollars; and so on, in like manner, until the annual income shall amount to two thousand dollars.

Appropriation of income.

SECT. 4. *Be it further enacted,* That all parts of the act to which this act is in addition, inconsistent with the provisions of this act, be and the same are hereby repealed. [June 12, 1824.]

Chap. 26.

An ACT to establish the Boston Water Power Company.

Persons incor-
porated.Powers and
privileges.

Proviso.

Proviso.

Real and per-
sonal estate.

First meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Bartlett, Horace Gray and Nathan Parker, with their associates, successors and assigns, be and they hereby are incorporated, under the name of the Boston Water Power Company, and by that name may sue and be sued, have a common seal, and make by-laws and regulations not inconsistent with the constitution and laws of this Commonwealth, and may purchase and hold any quantity of the water power created by the establishment of the dams between Boston and Roxbury, or any lands contiguous to said dams, or within the limits of the basins connected therewith, or either of them, and may make flumes, canals and race-ways, and may construct mill wheels, factories, and other buildings and fixtures, at any convenient places within the limits aforesaid, and may dispose of the same, by lease or otherwise: *provided, however,* that the said company shall not make any such flume, canal or race-way, or construct any such mill-wheel, factory, or other building or fixture, through or upon the land belonging to any city, town, company or individual, without the consent of such owner in writing, to be recorded in the registry of deeds, in the county where the land may be: *and provided, also,* that nothing in this act shall be construed to extend the rights of the water power so to be purchased and held under the provisions of this act, beyond the rights of water power now possessed by the Boston and Roxbury Mill Corporation, by virtue of the acts establishing the same, or to alter, or prejudice the rights of the city of Boston, or of any of the adjacent towns, as they now exist.

SECT. 2. *Be it further enacted,* That the said company may hold real estate and water power, not exceeding the value of three hundred thousand dollars, at the time of the purchase thereof, and personal estate, not exceeding the value of one hundred thousand dollars. And the first meeting of said company may be called by any one of the persons herein named, by public notice, printed in any newspaper in the city of Boston, ten days at least before the time appointed for such meeting. [June 12, 1824.]

Chap. 27.

An ACT to authorize the members of the First Parish in Lynn to sell real estate, for the purposes therein expressed.

Parish may sell
lands to pay
debts and repair
meeting-house.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the members of the First Parish in Lynn, whenever they shall deem it necessary, may by such committee as they shall appoint, at a legal meeting for that purpose, be, and they are hereby authorized and empowered, by and with the consent of their minister for the time being, if any there be, to sell and convey such part of said lands, or the whole if necessary, as shall be sufficient to pay all the debts now due from said parish, and for repairing their meeting-house, and to make and exe-

cute good and sufficient deed or deeds, to convey the same according to law.

SECT. 2. *Be it further enacted*, That if there should be a surplus of money, arising from such sale, over and above the payment of said debts and repairs, the said members may, by a committee chosen for the purpose, at the annual meeting in the month of March or April, vest the said surplus, and any other property of said parish, in the most productive funds, the interest of which shall be applied towards the support of the minister or ministers in said parish. [June 12, 1824.]

Investment of surplus.

An Act concerning the regulation of the House of Correction in the city of Boston, and concerning the form of actions commenced under the By-laws of said city, and providing for filling vacancies in the Board of Aldermen.

Chap. 28.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the city of Boston shall be entitled to the same remedies in order to recover the expenses of supporting any poor person maintained in the house of industry of said city, that towns in this Commonwealth are entitled to for the recovery of the expenses of persons, for whom support or relief is provided by overseers of the poor, or under their direction.

Remedy of Boston for supporting poor persons.

SECT. 2. *Be it further enacted*, That the house of correction within the city of Boston, shall be the house of correction for the county of Suffolk, and that the city council of said city shall have power, from time to time, to appoint such a number of overseers of the house of correction in said city of Boston, not exceeding nine, as they shall deem expedient, who shall have, use and exercise all the powers and authority in regulating and governing said house of correction, and the inhabitants thereof, subject to the controul of the mayor and aldermen of the said city, that are granted to overseers of houses of correction, in and by an act, entitled “an act for suppressing and punishing of rogues, vagabonds, common beggars, and other idle and lewd persons,” passed on the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-eight, and the several acts additional thereto; and the said overseers so appointed, or the major part thereof, shall, from time to time, make, ordain and establish such rules and orders, not repugnant to the constitution and laws of the Commonwealth, for the governing and punishing of persons committed to the said house, as they shall find needful and proper, which, within one month after they shall have been made, shall be submitted to the said city council, and shall be in force until repealed by the said overseers, or until disapproved of by the said city council, and the power of discharging persons committed to the said house of correction, by the justices of the police court of said city, or by any justice of the peace for the county of Suffolk, before the expiration of their term of commitment, upon the recommendation of the overseers of said house, shall be and hereby is vested in any one or more of the justices of the police court of said city.

Appointment of overseers of the house of correction.

1787 ch. 54.

Overseers may make rules for the government of said house.

Persons may be discharged by justices of the police court.

SECT. 3. *Be it further enacted*, That the said city council

City council may appoint master of the house of correction.

shall have power, from time to time, to appoint a master of the said house of correction, who shall be under the direction and controul of the said overseers, and shall be compensated in such manner as the said city council shall direct. And the said city of Boston shall bear and defray all the expenses of the said house of correction, and shall be entitled to the same remedies to recover the charges of maintaining any person therein, that the masters or overseers of the several houses of correction throughout the Commonwealth, or that towns, or counties are now entitled to by law.

1816 ch. 44.

Prosecutions for fines.

SECT. 4. *Be it further enacted*, That all fines, penalties and forfeitures, accruing under a statute of this Commonwealth, passed the twentieth day of June, in the year of our Lord one thousand eight hundred and sixteen, entitled "an act to empower the town of Boston to choose a board of health, and to prescribe their power and duty," or accruing under any rules, regulations, by-laws or ordinances which have been, or hereafter shall be passed, by the city council of the city of Boston, in relation to the health of the said city, or of the inhabitants thereof, shall be sued for, prosecuted and recovered by complaint or information before the justices of the justices court for the county of Suffolk, in the name of the "city of Boston," by any officer or person authorized to institute the same, and in the manner prescribed in the statute above mentioned, and such fines, penalties and forfeitures, shall enure and be recovered for the use of the said city; and no person shall be disqualified from acting as a magistrate, juror, or witness in any such suit or prosecution by reason of any interest which he may have as an inhabitant of the said city, in the sum or sums of money to be recovered thereby.

Form of complaints.

SECT. 5. *Be it further enacted*, That in all prosecutions by complaint before the police court for the city of Boston, founded on the special acts of the Legislature, the by-laws of the town of Boston, or the ordinances or by-laws of the city of Boston, it shall be sufficient to set forth in such complaint, the offence fully and plainly, substantially and formally, and in such complaint it shall not be necessary to set forth such special act, by-law, ordinance, or any part thereof.

Vacancies in the board of aldermen, how filled.

SECT. 6. *Be it further enacted*, That in case of the death or resignation of any member of the board of aldermen, the citizens of Boston shall have power to fill such vacancy at any regular meeting that may thereafter be convened for that purpose. [June 12, 1824.]

Chap. 29.

Conn. Riv. bridge.
1796 ch. 24.
(v. 2. p. 94.)
1799 ch. 40.
(v. 2. p. 344.)
1801 ch. 52.
(v. 2. p. 495.)
1803 ch. 18.
(v. 3. p. 214.)

An Act increasing the rates of toll, at the Connecticut River Bridge, the Northampton Bridge, and the Sunderland Bridge.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of the Connecticut River Bridge, the Proprietors of the Northampton Bridge, and the Proprietors of the Sunderland Bridge, be, and they hereby are authorized, from and after the passing of this act, to demand and receive at the several bridges aforesaid, (instead of the toll here-

tofore granted,) according to the following rates of toll, viz : for each foot passenger, three cents ; for each horse and rider, eight cents ; for each horse and chaise, chair or sulkey, twenty cents ; for each coach, chariot, phaeton, or other four wheeled carriage for passengers, fifty cents ; for each curricule, thirty-three cents ; for each sleigh drawn by one horse, ten cents ; by more than one horse, sixteen cents ; for each cart, sled, or other carriage of burden, drawn by one beast, twelve and a half cents ; if drawn by two beasts, twenty cents, and if drawn by more than two beasts, twenty-five cents ; for each horse without a rider, and for neat cattle each three cents ; for sheep and swine each one cent.

SECT. 2. *Be it further enacted*, That the Legislature of this Commonwealth shall always hereafter have the right of regulating, reducing, and abolishing the tolls hereby granted. [June 12, 1824.] Add. act, relating to Sunderland bridge, 1832 ch. 100.

1813 ch. 141.
Northampton
bridge.
1802 ch. 99.
(v. 3. p. 132.)
Sund. bridge.
1811 ch. 38: 122.

Rates of toll.

Legislature
may regulate
tolls.

An ACT to change the names of the persons therein mentioned.

Chap. 30.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the several persons herein named shall be called and known by the names which by this act they are respectively allowed to assume, viz : William Andrews, of Boston, merchant, may take the name of William Stutson Andrews ; that Joseph Bradford, of Boston, merchant, may take the name of Joseph Nash Bradford ; that Joseph Haydn Von Hagen, a minor, may take the name of Joseph Adams Ballard ; that Joannette Catharine Elizabeth Von Hagen, a minor, may take the name of Joannette Catharine Elizabeth Ballard ; that Robert Dyer, printer, may take the name of Robert Spencer Dyer ; that John Haskell, machinist, may take the name of John Augustus Haskell ; that Benjamin Holmes, the third, a minor, may take the name of Benjamin Salter Holmes ; that Chloe Lincoln, mantua-maker, may take the name of Martha Ann C. Lincoln ; that Nancy Lovejoy, mantua-maker, may take the name of Ann Frances Lovejoy ; that William S. Newman, cordwainer, make take the name of William Homer Newman ; that David Murphy Rupp, a minor, may take the name of David Collson Mosely Rupp ; that Matilda Sleeper, may take the name of Matilda Ormond Montgomery ; that John Smith, may take the name of John Henry Smith ; that James Scott Thorndike, may take the name of James Franklin Thorndike ; that Edward Tuckerman, the second, may take the name of Francis Edward Tuckerman ; that Woodis Lee Wheeler, trader, may take the name of Woodhouse Lee Wheeler ; that Thomas Herrick Waterman, may take the name of Thomas Waterman Herrick ; that Thomas Frederick Palmer, may take the name of Thomas Frederick Temple Palmer ; that William James Palmer, may take the name of William Bowdoin Palmer ; all of Boston, in the county of Suffolk. And that John Clark Fillis, a minor, of Salem, may take the name of John L. Clark ; that Luther Britton,

Names
changed.
Suffolk.

Essex.

of Salem, cordwainer, may take the name of Luther Reed ; that Aaron Field, of Lynn, may take the name of Aaron Chauncey Clark Field ; that Equality Weston, of Lynn, may take the name of John Equality Weston ; that Thomas Lambert, Jun., of Rowley, may take the name of Thomas Merrill Lambert ; that Elizabeth Ann Tyler, of Newburyport, may take the name of Sarah Elizabeth Tyler,—all of the county of Essex ; that Amos Baker, Jun., of Lincoln, may take the name of Amos Prescott Baker ; that Luther Fish, of Sudbury, may take the name of Luther Richardson ; that Mary G. Tarbox, of Charlestown, may take the name of Mary G. Thorndike ; that Alexander White McQuillin, of East Sudbury, may take the name of Alexander White,—all of the county of Middlesex ; that William Marble, the second, of Charlton, may take the name of William Proctor Marble ; that Otis McLane, of the town of Worcester, husbandman, may take the name of Otis David Lane ; that Haliburton McLane, son of said Otis McLane, may take the name of Haliburton Lane ; that Joseph Jennings McLane, son of said Otis McLane, may take the name of Joseph Jennings Lane ; that Caleb Henry Mellen Prentiss, of Leominster, may take the name of Caleb M. Prentiss ; that Cornelius Rix, of Harvard, may take the name of Eleazer Rix ; that Cephas Whitcomb, of Bolton, may take the name of James Bedingsfield Whitcomb,—all of the county of Worcester ; that Warham Crooks, of Springfield, in the county of Hampden, may take the name of James Warham Crooks ; that Luther Frink, of Greenwich, may take the name of William Field ; that Samuel Partridge, third, of Hatfield, may take the name of Samuel Dwight Partridge,—both of the county of Hampshire ; that Joseph Atkins Montenari, of Plymouth, mariner, may take the name of Joseph Atkins. And the several persons herein named, shall hereafter be called and known by the names which by this act, they are respectively allowed to assume as aforesaid ; and the same shall be considered as their only proper and legal names. [June 12, 1824.]

Chap. 31.

1823. ch. 131.*

[* This ch. is numbered by mistake, in the pamph. ed. 130.]

Choice of additional directors.

Twenty-five directors to be annually chosen.

An Act in addition to an Act, entitled "An Act to incorporate the Commonwealth Insurance Company."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the stockholders of said company may, at any meeting of said company to be hereafter called at any such time and place as a majority of the present directors shall appoint, choose thirteen additional directors, who shall be stockholders of said company, and citizens of this Commonwealth, and who shall hold their offices till the expiration of one year from the time that the first twelve directors were chosen, and until others are chosen in their room, who shall possess similar powers and perform similar duties with the twelve directors first chosen.

SECT. 2. *Be it further enacted,* That the stockholders of said company, at their annual meetings hereafter to be holden for the choice of directors, shall choose twenty-five directors, one of whom shall be president thereof, and said twenty-five directors

shall possess the powers and perform the duties of the twelve directors mentioned in the act of incorporation, and shall be elected in the same manner. [June 12, 1824.]

An ACT establishing the First Universalist Society in the town of Hardwick.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Ruggles, Constant Ruggles, Ezra Ruggles, Samuel Weston, Ira Ruggles, Samuel Granger, Gardner Ruggles, Anson Ruggles, Franklin Ruggles, Creighton Ruggles, Moses Mandell, Ebenezer Cobb, Simeon Crosby, Daniel B. Hinkley, Nathan Perry, James Sturtevant, William P. Jordan, Seth Hinkley, Stephen W. Paige, Ebenezer Perry, and Noah Beach, with their families and estates, together with such others as may hereafter join with them, be, and they hereby are incorporated into a religious society, by the name of the First Universalist Society in Hardwick, with all the powers and privileges, and subject to all the liabilities which other parishes and religious societies are entitled and liable to by the constitution and laws of this Commonwealth. [June 12, 1824.]

Chap. 32.

Persons incorporated.

Powers and privileges.

An ACT in addition to an Act entitled "An Act to incorporate Isaac Story and others, by the name of the Marblehead Social Insurance Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of five years from and after the seventeenth day of July next, be allowed to the Stockholders of the Marblehead Social Insurance Company, to pay in the residue of the capital stock of said company, amounting to fifty dollars on each share, and being the last moiety of their instalments of the sum of one hundred thousand dollars, the capital stock of said company, and that the said residue shall be paid in such proportions, and at such periods within the time mentioned, as the directors of said company for the time being shall order and appoint, any thing in the act to which this is in addition, or in the act of incorporation, to the contrary notwithstanding : *provided, however,* that nothing in this act shall be construed to exonerate or discharge the estates of the stockholders of said company from being liable in the same manner, and for the same purposes mentioned in said act, to which this is in addition. [June 12, 1824.]

Chap. 33.

1809 ch. 14.
1810 ch. 13.
1811 ch. 2.
1813 ch. 8.
1817 ch. 24.
1819 ch. 9.

Further time allowed for paying in capital stock.

Proviso.

An ACT to incorporate the Oriental Insurance Company in Salem.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Fettyplace, John Andrew, Henry Prince, Jr., Richard S. Rogers, John B. Osgood, Tucker Deland, William Proctor, Franklin H. Storey and Joseph Ropes, with their associates, successors and assigns, be, and hereby are incorporated into a company and body politic, by the name of the Oriental Insurance Company in Salem, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this

Chap. 34.

Persons incorporated.

Powers and privileges.

- 1817 ch. 120. Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act: and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.
- Real estate.
- Capital stock. **SECT. 2.** *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from business, shall not be less than one hundred and fifty thousand dollars, nor more than two hundred thousand dollars; and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within thirty days after public notice given by the president and directors, chosen by the stockholders, in two newspapers printed in the town of Salem, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security, as may be approved by three fourths of the directors, and to be paid in such sum or sums, at such time or times, and under such penalties, as the said president and directors shall in their discretion direct and appoint.
- Shares.
- Instalments.
- Directors. **SECT. 3.** *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of April, in each and every year, and at such time of the day, and in such place in the town of Salem, as a majority of the directors for the time being shall appoint; of which election public notice shall be given by publication in some newspaper printed in Salem, ten days at least previous to such meeting; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *provided*, that no stockholder shall be allowed more than ten votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe; and if through any unavoidable accident, the said directors should not be chosen on the second Monday of April, as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided.
- Time of their election.
- Votes.

And it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the town of Salem, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of directors.

Secretary shall call meeting upon application of stockholders.

SECT. 4. *Be it further enacted*, That the directors when chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year; and in case of death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be notified and held in the same manner as herein before directed, respecting annual elections of directors.

Choice of president.

Vacancies to be filled.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; also, shall have power to appoint a secretary, and so many clerks and servants for the carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Board of directors.

By-laws.

Proviso.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same in some newspaper printed in Salem, in two successive papers, for the purpose of electing their first board of directors, who shall remain in office until the second Monday in April, in the year of our Lord one thousand eight hundred and twenty-five, and until others shall be elected in their stead: *provided, however*, that this charter shall be void and of no effect, unless put into operation agreeably to the terms of it within one year from and after the passing of this act: *and provided, also*, that the said company shall not take any risk or subscribe any policy by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

First Meeting.

Conditions of this charter.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, or loan on respondentia, or bottomry on any one bottom, at any one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per

Limitation of risks.

centum on the capital stock, of said company, actually paid in agreeably to the provisions of this act.

Location.

SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the town of Salem.

Liability to taxation.

SECT. 9. *Be it further enacted*, That the said Oriental Insurance Company shall be liable to be taxed by a general law providing for the taxation of all similar corporations. [June 12, 1824.]

Chap. 35.

AN ACT to incorporate the Boston and Canton Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Hill, Darius B. Holbrook and Charles P. Dexter, together with such other persons as may become associates with them, their successors and assigns, be and they hereby are made a corporation, by the name of the Boston and Canton Manufacturing Company, for the purpose of manufacturing cotton and wool in the town of Canton, in the county of Norfolk, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord eighteen hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations."

Powers and privileges.

1808 ch. 65.

Real and personal estate.

[*Increased
1828 ch. 42.]

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value the sum of two hundred thousand dollars,* as may be necessary and convenient for carrying on the manufacture of cotton and wool in the said town of Canton. [June 12, 1824.] Add. act, 1828 ch. 42.

Chap. 36.

AN ACT to incorporate the President, Directors and Company of the Globe Bank.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer Rollins, Enoch Silsby, Samuel C. Gray, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Globe Bank, and shall so continue from the first day of July, one thousand eight hundred and twenty-four, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

Privileges and restrictions.

1811 ch. 84.

Proviso.

Capital stock.

SECT. 2. *Be it further enacted*, That the capital stock of

said corporation shall consist of the sum of five hundred thousand dollars, with liberty at any time to increase the same to seven hundred and fifty thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the first day of November next, one fourth part thereof on or before the first day of January next, one fourth part thereof on or before the first day of April next, and the residue thereof on or before the first day of June next, and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed under the seal of said corporation, and signed by the president or two of the directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred and twenty-five thousand dollars ; nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards the payment of their respective shares, and not for any other purpose ; and that it is intended there to remain as a part of said capital, and to return a certificate thereof to the governor. And no stockholder shall be allowed to borrow money at said bank, until he shall have paid in his proportion of the said capital stock, as herein before provided and required.

[Increased
1826 ch. 96.]

Instalments.

Transfer of
stock.

Real estate.

Proviso.

No loans shall
be made before
an examination
and return of
the capital by
commissioners.

SECT. 3. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not

Loans to the
Common-
wealth.

- exceeding ten per centum of the capital stock actually paid in at any time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with annual payment of interest, at a rate not exceeding five per centum per annum: *provided, however*, that the Commonwealth shall never stand indebted to said corporation without their consent for a larger sum than twenty per centum of their capital paid in.
- Proviso.
- First meeting. SECT. 4. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors and such other officers as they shall see fit to choose.
- By-laws.
- Commonwealth may subscribe to the capital stock. SECT. 5. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.
- Legislature may appoint directors. SECT. 6. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right from time to time to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.
- Tax. SECT. 7. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.
- Cashier shall give bond. SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the board of directors in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.
- Shall pay original amount of bills counterfeited. SECT. 9. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration; and that the said corporation shall not at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill

or note of said bank, for any less sum than the nominal value expressed in such bill or note.

SECT. 10. *Be it further enacted*, That in case this act shall not be put into operation according to the provisions thereof, within one year from the time of passing the same, then it shall become void. And that the said bank shall be established and kept in Boston. [June 12, 1824.] Add. acts, 1826 ch. 96 : 1830 ch. 58. Location.

An Act to incorporate the First Universalist Society in Haverhill.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Meady, Thomas Runnells, Asaph Kendall and Caleb Woodward, and all others who may associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the First Universalist society in the town of Haverhill, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by law. Chap. 37.
Persons incorporated.
Powers and privileges.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estate, real or personal, for the use of said society : *provided*, the annual income thereof shall not exceed, at any time, the value of one thousand dollars. Real and personal estate.

SECT. 3. *Be it further enacted*, That any justice of the peace for the county of Essex, be, and he hereby is authorized to issue his warrant to some member of said society, requiring him to warn the members thereof to meet at such convenient time and place in said town, as shall be therein directed, to choose a moderator, a clerk, a treasurer, and such other officers, committee or committees, as they shall deem needful. [June 12, 1824.] First meeting.

An Act to incorporate the Danvers Cotton Factory Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Rufus Davenport, his associates, successors, and assigns, be, and they hereby are made a corporation, by the name of the Danvers Cotton Factory Corporation, for the purpose of manufacturing cotton, and other materials in the town of Danvers ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in the act entitled “ an act defining the general powers and duties of manufacturing corporations,” and also the several acts supplementary thereto, or that may hereafter be passed in addition to the same. Chap. 38.
Persons incorporated.
1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacturing aforesaid. [June 12, 1824.] Real and personal estate.

Chap. 39. An Act to change the name of the Parish or Precinct called the East Parish or Precinct of Bridgewater.

Name
changed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the parish heretofore known and called by the name of the East Parish or Precinct of Bridgewater, in the county of Plymouth, shall no longer bear that name, but henceforth shall be called and known by the name of the First Parish in East Bridgewater, and all officers of said parish shall hold and exercise their respective offices in the same manner as they would have done had not the name of said parish been changed. [June 12, 1824.]

Chap. 40. An Act to incorporate the President, Directors, and Company of the Asiatic Bank.

Persons incor-
porated.

Privileges and
restrictions.

1811 ch. 82 and
36.

Capital stock.

[Stock increas-
ed 1825 ch. 168.]

Instalments.

Transfer of
stock.

Real estate.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Robert Stone, John B. Osgood, Richard S. Rogers, William Fettyplace, and their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors, and Company of the Asiatic Bank, and shall so continue until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one, and the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions; and be entitled to the same rights, privileges, and immunities, which are contained in an act entitled "an act to incorporate the President, Directors, and Company of the Merchants' bank," a bank established and kept in the town of Salem, except as the same are so far modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted.

SECT. 2. Be it further enacted, That the capital stock of the said corporation shall consist of the sum of two hundred thousand dollars, divided into shares of one hundred dollars each, twenty-five per centum of which shall be paid in gold and silver, in ninety days after the first meeting of the said corporation, and the residue in three instalments of fifty thousand dollars each; the first in six months, the second in nine months, and the third in one year after said first meeting, or at such earlier time or times, as the stockholders may direct at said meeting, and no dividend shall be made or declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the said stock, and the profits thereof, which being entered in the books of the said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of twenty thousand dollars, and no more at any

one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate on mortgage or execution, to any amount as security for, or in payment of any debts due to the said corporation : *and provided, further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred thousand dollars ; nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in the vaults, and to ascertain by the oath of the directors, or a majority of them, that said capital stock has been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended to remain therein as part of said capital, and to return a certificate thereof to the Governor.

Proviso.

Examination
and return of
capital.

SECT. 3. *And be it further enacted*, That the said bank shall be established and kept in the town of Salem.

Location.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the capital stock then paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to such corporation without their consent for a larger sum than twenty per centum of their capital then paid in.

Loans to the
Common-
wealth.

Proviso.

SECT. 5. *Be it further enacted*, That Robert Stone, John B. Osgood, Richard S. Rogers, William Fettyplace, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, at such time and place, as they may see fit to appoint, by advertising the same in the Essex Register, printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of the said corporation, as the stockholders shall deem necessary, and for the choice of a board of directors, to consist of nine persons, and such other officers as they shall see fit to choose.

First meeting.

By-laws.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half part of the stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, as to the management thereof as shall be by the Legislature made and established.

Common-
wealth may sub-
scribe to capital
stock.

SECT. 7. *Be it further enacted*, That in case the said bank shall not be put into operation, according to the provisions of the charter, within one year from the passing of this act, then the same shall be void.

To pay original amount of altered bills.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration. [June 12, 1824.] Add. acts, 1825 ch. 168 : 1826 ch. 69 : 1827 ch. 24 : 1829 ch. 75 : 1830 ch. 58.

Chap. 41.

An ACT for the incorporation of the Proprietors of the Independent Congregational Church in Barton Square, in Salem.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Stephen Phillips, Ezekiel Hersey Derby, Willard Peele, Nathaniel West, George Nichols, Samuel Mansfield, Stephen C. Phillips, Jabez Smith, Arad Pomroy, Joseph Ropes, Benjamin Dodge, David Pulsifer, Joseph Pulsifer, Abel Hersey, Samuel Hodges, William Fettyplace, Franklin H. Story, Stephen White, George Cleaveland, Jonathan Hodges, Nathaniel West, Jr., John Derby, William Stearns, John D. Treadwell, George S. Johonnot, Ichabod Nichols, Charles Saunders, John Nichols, and William Peele, and all other persons who now are or hereafter may become proprietors of and in the Independent Congregational Church in Salem, in the county of Essex, of which the Reverend Henry Colman is the elected pastor, their successors and assigns, shall be, and hereby are created and established, as a religious society and body corporate and politic, by the name of the Proprietors of the Independent Congregational Church in Barton Square, in Salem, and by that name may sue and be sued, plead and be impleaded, and possess and enjoy all the privileges, powers, and immunities, to which parishes, and other religious societies are, by the constitution and laws of this Commonwealth, entitled ; and shall have authority to take, hold, and possess, by gift, grant, devise, or otherwise, any real or personal estate, for the purpose of supporting public worship, and other religious, parochial, and charitable purposes, not exceeding the annual income of five thousand dollars, and shall also have authority to choose and appoint all such officers, and make all such by-laws and regulations as may seem to them expedient or convenient, for the due government of the said society, and the management of their funds, and other parochial concerns : *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth ; and all meetings of the said society shall be called and warned in such manner as the by-laws and regulations thereof shall provide.

Powers and privileges.

Real and personal estate.

Officers and by-laws.

Proviso.

Who may vote.

SECT. 2. *Be it further enacted*, That at all meetings of the said society, the proprietor or proprietors of the pews, and no other persons, shall be entitled to vote, allowing one vote for every pew ; but the society may, nevertheless, by their by-laws and

regulations, provide for the admission of the occupant or occupants of any pew to vote in the choice of any minister hereafter to be settled over the said society.

SECT. 3. *Be it further enacted*, That the said society shall have full power and authority, at any meeting duly called for that purpose, to assess on the pews in the said church, all such taxes as may be necessary or proper for the maintenance of public worship, and the repairs and preservation of the said church, and for all other parochial charges and expenses, according to the relative value of the said pews, as the same are now paid ; and the taxes so assessed shall be a lien on the same pews respectively ; and in case of the non-payment of the tax, or taxes so assessed, for the space of two successive years after the same shall be so assessed, the pew or pews respectively, on which the same shall be assessed, shall be forfeited to the said society, and may be sold at public auction, in such manner as the said society shall, by their by-laws and regulations, provide ; and the net proceeds of said sale, after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor of the pew so sold, or to his assigns ; and the society shall have full authority to convey [it] to the purchaser of any pew so sold, a good and valid title as proprietor thereof.

Tax on pews.

Pews, forfeited for non-payment of taxes, may be sold.

SECT. 4. *Be it further enacted*, That there shall be an annual meeting of the society on the first Monday of May in every year, unless some other day shall be prescribed by the by-laws and regulations thereof, at which meeting, or any other meeting duly called, the said society may choose their officers, who shall hold their offices during one year, and until others are chosen in their stead ; and may also assess all taxes for the maintenance of public worship, and other parochial charges and expenses, and exercise all, and any other powers, which, under this act of incorporation, the said society are enabled at any time to exercise.

Annual meetings.

Power to raise money.

SECT. 5. *Be it further enacted*, That any person who shall unite in religious worship with the said society, by becoming a proprietor or occupant of any pew in said church, in part or in whole, and shall obtain a certificate thereof, from the minister and clerk of the said society, that he hath so united in public worship with them, shall, from and after obtaining such certificate, and filing the same with the clerk of the society left, be exempted as well in person as in estate from all taxation for the support of religious worship in every other religious society, so long as he shall continue a proprietor or occupant as aforesaid.

Members exempted from taxation by other societies.

SECT. 6. *Be it further enacted*, That the first meeting of the said society shall be called by the said Stephen Phillips, Ezekiel Hersey Derby, Willard Peele, George Nichols, and Nathaniel West, Junior, or by any two or more of them, by an advertisement in some newspaper printed in Salem, seven days before the time of holding such meeting ; and at such meeting, all business may be transacted which should be done at any annual meeting, and all the proceedings may be had to organize the said society, and to carry into effect all the powers given in this act

First meeting.

to the said society, in the same manner as if they were herein specially enumerated. [Jan. 26, 1825.]

Chap. 42.

An ACT to incorporate the Newton Chemical Company.

Persons incor-
porated.

Powers and
privileges.

1808 ch. 65.

Real estate.

Capital.

Shares.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel L. Dana, Nathaniel Williams, and John A. Lowell, and all such persons as may hereafter associate with them, their successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of "The Newton Chemical Company," with all the powers and privileges, and subject to all the duties contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said corporation be, and they hereby are declared capable to have, hold, and possess lands, tenements, and hereditaments, not exceeding in value the sum of twenty thousand dollars, exclusive of improvements, and may erect on the same all such buildings, furnaces, machinery, and apparatus as may be necessary and proper for making mineral acids and any other chemical article or articles; and the said corporation is further authorized to hold and possess personal estate, not exceeding one hundred thousand dollars in amount the whole of which corporate property shall be divided into one hundred shares. [Jan. 26, 1825.]

Chap. 43.

An ACT to establish the Boundary Line between the towns of North Bridgewater, and West Bridgewater, in the county of Plymouth.

Boundary line
described.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the boundary line between the towns of North Bridgewater and West Bridgewater, in the county of Plymouth, shall forever hereafter be known, fixed, and established, to be as follows, to wit: to begin at a large stone erected on the easterly line of the town of Easton, in the county of Bristol, marked N. B. and from thence running north, eighty-eight degrees east, to a stone standing by the side of the highway to the southward of Daniel Manly's house, marked N. B.; from thence continuing the same course, to wit: north, eighty-eight degrees east, passing the southerly end of Ebenezer Dunbar's dwelling-house, to a stone standing on the westerly side of the highway leading from New-Bedford to Boston, between the old saw-mill dam and the dwelling-house of the widow Betty Thayer, marked N. B. and W. B., and from thence running north, eighty-eight degrees east, to a station on the west bank of Salisbury Plain river, so called, and from thence running southerly on the westerly bank of said river, and crossing the highway, in the centre, between the two bridges at Cart bridge, so called, to a station on the south side of said highway, then easterly by the southerly side of said highway, to the westerly

line of Captain Robert Packard's homestead farm, and from thence running southerly on the westerly line of said Packard's homestead farm, ninety-seven rods, to a station on said line, and from thence running north, eighty-eight degrees east, until it intersects the westerly line of East Bridgewater. The said town of North Bridgewater being on the northerly and easterly side of said line, and the said town of West Bridgewater being on the southerly and westerly side of said line ; and the above described line shall forever hereafter be known, fixed, and established, to be the true boundary line between said towns, any law to the contrary notwithstanding. [*Jan.* 26, 1825.]

AN ACT to incorporate the Hamilton Manufacturing Company.

Chap. 44.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Batchelder, Benjamin Gorham, William Appleton, William Sturgis, and John Lowell, Jr., their associates, successors and assigns, be, and they are hereby made a corporation by the name of "The Hamilton Manufacturing Company," for the purpose of manufacturing cotton and woollen goods, in Chelmsford, in the county of Middlesex, and for this purpose, shall have all powers and privileges, and be subject to all duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, exclusive of improvements, and such personal estate, not exceeding the value of five hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

Real estate.

Personal estate.
[Increased 1827
ch. 37 : 1832 ch.
50.]

SECT. 3. *Be it further enacted,* That any one of the persons mentioned in this act, be, and is hereby authorized to appoint the time and place for holding the first meeting of said corporation, and to notify them thereof, either by personal notice or otherwise. [*Jan.* 26, 1825.] Add. acts 1827 ch. 37 : 1832 ch. 50.

First meeting.

AN ACT in further addition to an Act, entitled "An Act to incorporate certain persons into a company, by the name of the South Boston Association."

Chap. 45.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act made and passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and five, entitled "an act to incorporate certain persons into a company, by the name of the South Boston Association," be, and the same hereby is continued in force until the fourteenth day of June, which will be in the year of our Lord, one thousand eight hundred and thirty-five, any thing in the act to which this is in addition to the contrary notwithstanding. [*Jan.* 26, 1825.] Add. act, 1835 ch. 68.

1805 ch. 9.
(v. 3. p. 607.)
1814 ch. 103.
1819 ch. 152.

1805 ch. 9.

Chap. 46.

An ACT to incorporate the First Universalist Society in Acton.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Robert Chaffin, Samuel Sargent, Simon Hosmer, Charles Hendley, 2d, John Hendley, Ephraim Robbins, John Hendley, 2d, Cephas Hartwell, Joseph Robbins, Jonathan B. Davis, Simon Hosmer, 2d, Ward S. Haskell, Aaron Chaffin, Solomon Smith, 2d, Joseph Chaffin, Daniel White, 2d, Moses Woods, Thomas Thorp, Josiah Brown, 2d, John Fletcher, Samuel Sargent, 2d, John Harris, John Harris, 2d, Nathan Raymond, Elias Chaffin, Levi Warren, Calvin Hale, Charles Whitmarsh, Luther Trobridge, Nathan Patch, John Oliver, John Chaffin, Charles Hendley, Daniel Hendley, Isaac How, Lewis How, Abel Hendley, Joshua Sawyer, Abraham Foster, Theodore Wheeler, Simeon Knight, Silas Piper, 2d, Charles Davis, John D. Robbins, Joshua Tower, Jonathan Wheeler, 2d, Nathaniel G. Brown, Silas Conant, and James Ross, and all others who may associate with them, be, and they are hereby incorporated as a religious society, by the name of “The First Universalist Society in Acton,” with all the privileges, powers, and immunities to which other religious societies, in this Commonwealth are entitled by law.

Powers and pri-
vileges.

Rules and by-
laws.

SECT. 2. *Be it further enacted,* That said society may have power to order and establish such rules, regulations, and by-laws, for the management of their concerns, as they may think proper : *provided,* the same are not repugnant to the constitution and laws of this Commonwealth.

First meeting.

SECT. 3. *Be it further enacted,* That any justice of the peace for the county of Middlesex, is hereby authorized to issue a warrant, directed to some member of said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings. [Jan. 27, 1825.]

Chap. 47.

An ACT relating to the Locks and Canals on Merrimack river.

May hold real
estate, &c.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of the Locks and Canals on Merrimack river, be, and they hereby are authorized to purchase, take, and hold all or any part of the real estate, with its appurtenances, water power, and mill privileges, which are now holden by the Merrimack Manufacturing Company, and also to purchase, take, and hold such other real estate in the towns of Chelmsford, Dracut, and Tewksbury, as they may think proper, not exceeding in value one hundred thousand dollars, exclusive of improvements ; and all such other estates in their possession, with the mill or water power, which they have acquired, or may acquire, by enlarging their canal, to improve, sell, or lease, as all other proprietors and owners of estates, may lawfully do : *provided,* however, that nothing contained in this act shall give to the pro-

Proviso.

prietors of the said locks and canals, or the said Merrimack Manufacturing Company, any other rights, powers, or privileges in and over the said mill or water power, than they now have and possess, or may acquire by purchase as owners and proprietors thereof. [Jan. 27, 1825.]

An Act in further addition to an Act, entitled "An Act establishing the city of Boston."

Chap. 49.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the election of the mayor, aldermen and common councilmen, and such other officers of the city of Boston, as are now by law to be chosen on the second Monday in April, annually, shall in future be made on the second Monday in December, annually, and the said officers so chosen shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections, as is provided in and by the act, entitled "an act establishing the city of Boston," to which this is in addition: *provided, nevertheless,* that the next choice of the said city officers shall be made at such time, and in such manner, as are prescribed in and by the act aforesaid, and the officers so elected shall severally hold their offices until the first Monday of January next, any thing in this act to the contrary notwithstanding.

1821 ch. 110.
1822 ch. 107.

Time of election.

Proviso.

SECT. 2. *Be it further enacted,* That the officers chosen under and by virtue of this act, shall enter on the duties of their respective offices on the first Monday of January in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers to which the said officers are respectively subject or entitled, under and by virtue of the act to which this is in addition, and of all other acts having relation to this subject matter.

Entrance upon office.

SECT. 3. *Be it further enacted,* That this act shall be void, unless the inhabitants of the city of Boston, at any general meeting duly warned by public notice, of at least fourteen days, by the mayor and aldermen, shall, within sixty days from the passing hereof, by written vote, adopt the same.

This act, how void.

SECT. 4. *Be it further enacted,* That all the provisions of the act to which this is in addition, or of any other act inconsistent with the provisions of this act, shall be, and hereby are repealed. [Jan. 27, 1825.]

Repeal.

An Act to incorporate the Plympton Iron Company.

Chap. 50.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Lobdell, of Plympton, in the county of Plymouth, Lewis Tappan, Isaac C. Kendall, and William Lovering, Jr., of the city of Boston, together with such other persons as may hereafter associate with them, their successors and assigns, be and they hereby are made a corporation, by the name of the Plympton Iron Company, for the purpose of manufacturing nails, nail plates, tacks, and iron work of all kinds, in

Persons incorporated.

Powers and
privileges.

1808 ch. 65.

Estate, real and
personal.

the town of Plympton aforesaid, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of seventy-five thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on the manufactory aforesaid. [Jan. 29, 1825.]

Chap. 53. An Act to empower the selectmen of the town of New Bedford to increase the number of enginemen.

Selectmen au-
thorized to ap-
point additional
enginemen.

Duties and
powers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the town of New Bedford, for the time being, be, and hereby are authorized and empowered, hereafter to nominate and appoint fifteen enginemen in addition to the number now authorized by law, to be attached to the suction engine in New Bedford, making the number of forty enginemen, hereafter to be appointed for said engine, in the month of March, annually, so long as the said suction engine continues to be in good order, who shall be subject to the same duties, and vested with the same powers, and entitled to the same rights, privileges and exemptions, that other enginemen now by law are. [Feb. 8, 1825.]

Chap. 54.

An Act to establish the Annawan Manufacturing Company.

Persons incor-
porated.

Name.

Powers and
privileges.

1808 ch. 65.

Estate, real and
personal.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abraham Wilkinson, Benjamin Rodman and Bradford Durfee, together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Annawan Manufactory, for the purpose of manufacturing cotton and woollen cloths, and of stamping and printing the same, in the town of Troy, and county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and in the several acts passed in addition thereto.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactures aforesaid. [Feb. 8, 1825.]

An ACT to incorporate the Saxon and Leicester Factory.

Chap. 55.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Saxon Factory and the Leicester Manufacturing Company be, and they are hereby made one corporation, by the name of the Saxon and Leicester Factory, for the purpose of manufacturing wool, cotton and machinery, in the towns of Leicester, in the county of Worcester, and Framingham, in the county of Middlesex; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Powers and privileges.

1803 ch. 65.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real and personal estate, not exceeding six hundred thousand dollars, as may be necessary for carrying on the factory aforesaid.

Estate, real and personal.

SECT. 3. *Be it further enacted,* That the clerk of either of said corporations be authorized to call the first meeting of the corporation hereby established, by giving public notice thereof in one or more newspapers published in the city of Boston, at least ten days before the time appointed for said meeting. [Feb. 8, 1825.]

First meeting.

An ACT to incorporate the Calvinist Society in Worcester.

Chap. 56.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Waldo, John Hubbard, Moses M. Child and Lawrence Hubbard, with their associates and successors, be, and they hereby are incorporated by the name of the Calvinist Society in Worcester, with all the powers, privileges and immunities to which parishes and other religious societies are entitled by the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That any justice of the peace in the town of Worcester, upon application therefor, is hereby authorized and empowered to issue his warrant to some member of said Calvinist Society in Worcester, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, to organize said society, and transact such other business as may be necessary. [Feb. 8, 1825.]

First meeting.

An ACT to incorporate the Hingham Umbrella Manufacturing Company.

Chap. 57.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Benjamin S. Williams, Samuel F. Coolidge, Benjamin Poor, Francis Head, James Howe, Hall J. Howe, Eliphalet Kimball, John Clark, together with such others as now have or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Hingham Umbrella Manufacturing Company, for the pur-

Persons incorporated.

Powers and privileges.
1808 ch. 65.
Real and personal estate.

pose of manufacturing umbrellas and parasols, and the furniture for the same, in the town of Hingham, in the county of Plymouth; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the said Hingham Umbrella Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate as may be necessary and convenient for carrying on the said manufactory: *provided*, the value of such real estate shall not exceed the sum of twenty-five thousand dollars, and the value of such personal estate shall not exceed fifty thousand dollars. [Feb. 8, 1825.]

Chap. 58.

An Act in addition to an Act to incorporate the Eagle Insurance Company.

1820 ch. 13.

Increase of capital stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Eagle Insurance Company be, and they hereby are empowered to increase their present capital stock, by the addition of any sum or sums, not exceeding in the whole the further sum of two hundred thousand dollars. The whole capital stock of said company being at no time to exceed the sum of three hundred thousand dollars.

Real estate.

SECT. 2. *Be it further enacted*, That the said Eagle Insurance Company may purchase and hold real estate, other than such as may be taken for debt, or held as collateral security for money due, to an amount equal to twenty per cent. on their capital, which shall, at the time, have been actually paid in. [Feb. 8, 1825.]

Chap. 59.

An Act in addition to an Act, entitled "An Act to incorporate the Proprietors of the Farmers' Hotel in the town of Brighton."

1821 ch. 34.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of three years from and after the passing of this act, be, and the same is hereby allowed the Proprietors of the Farmers' Hotel in the town of Brighton, to erect a spacious hotel, any thing in the act to which this is in addition, to the contrary notwithstanding. [Feb. 8, 1825.]

Chap. 60.

An Act to establish the Fall River Iron Works Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abraham Wilkinson, Isaac Wilkinson, William Valentine, Joseph Butler and Bradford Durfee, together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Fall River Iron Works Company, for the purpose of making iron from the ore, of rolling copper and iron, of manufacturing nails and other modifications

of iron, in the town of Troy, and county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and in the several acts in addition thereto.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized of such real estate, not exceeding one hundred thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactures aforesaid. [Feb. 8, 1825.] See 1829 ch. 102 : 1834 ch. 118.

Estate, real and personal.

An Act to incorporate the Boston and Braintree Copper and Brass Manufactory.

Chap. 61.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Paul Revere, of Braintree, William Blake, of Braintree, and John W. Sullivan, of Boston, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Boston and Braintree Copper and Brass Manufactory, for the purpose of manufacturing copper and brass; and for that purpose shall have all the powers and privileges, and also be subject to all the duties and requirements, prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing companies [corporations],” and the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of three hundred thousand dollars, as may be necessary and convenient for carrying on the business of said corporation. [Feb. 8, 1825.] Name changed by add. act, 1825 ch. 124.

Estate, real and personal.

An Act to incorporate the American Insurance Company in Salem.

Chap. 62.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William P. Richardson, Dudley L. Pickman, Pickering Dodge, John W. Rogers, Nathaniel West, Junior, Robert Brookhouse, Charles Saunders, Nathan W. Neal, John Forrester, and Robert Upton, with their associates, successors and assigns, be, and hereby are incorporated into a company and body politic, by the name of the American Insurance Company in Salem, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled “an act to define the powers, duties and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law

Persons incorporated.

Powers and privileges.

1817 ch. 120.

1819 ch. 141.	of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company: <i>provided</i> , the said real estate shall not exceed the value of twenty thousand dollars, except such as may be taken for debt, or held as collateral security for money due to said company.
Real estate.	
Capital stock.	SECT. 2. <i>Be it further enacted</i> , That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall not be less than one hundred and fifty thousand dollars, nor more than two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money by each and every subscriber on the amount of his subscription, within thirty days after public notice given by the president and directors, chosen by the stockholders, in two newspapers printed in the town of Salem, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three fourths of the directors, and to be paid in such sum or sums, at such time or times, and under such penalties as the said president and directors shall in their discretion direct and appoint.
Shares, and payment thereof.	
Directors.	SECT. 3. <i>Be it further enacted</i> , That the stock, property, affairs and concerns of the said company shall be managed and conducted by not less than seven, and not more than twelve directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall at the time of their election be stockholders in said company and citizens of this Commonwealth, and shall be elected on the second Monday of February in each and every year, and at such time of the day, and in such place in the town of Salem, as a majority of the directors for the time being shall appoint, of which election public notice shall be given by publication in some newspaper printed in Salem, ten days at least previous to such meeting: and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: <i>provided</i> , that no stockholder shall be allowed more than ten votes, and absent stockholders may vote by proxy under such regulations as the said company shall prescribe: and if, through any unavoidable accident, the directors should not be chosen on the second Monday of February as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided; and it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital
Time and manner of their election.	
Right of voting.	
Secretary may call meetings of the stockholders.	

stock, to call a meeting of the stockholders, to be holden at such time and place in the town of Salem, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of directors.

SECT. 4. *Be it further enacted*, That the directors when chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year, and in case of death, resignation, or inability to serve, of the president, or any directors, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election for that purpose, to be notified and held in the same manner as herein before directed, respecting annual elections of directors.

Choice of president.

SECT. 5. *Be it further enacted*, That the president and half the directors, or in his absence a majority of the directors, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; also shall have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Board of directors.

By-laws.

Proviso.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act are hereby authorized to call a meeting of said company, by advertising the same in some newspaper printed in Salem, in two successive papers, for the purpose of electing their first board of directors, who shall remain in office until the second Monday in February, in the year of our Lord one thousand eight hundred and twenty-six, and until others shall be elected in their stead: *provided, however*, that this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act: *and provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

First meeting.

Conditions of this charter.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, or loan on respondentia or bottomry on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in agreeably to the provisions of this act.

Limitation of risks.

Location. SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the town of Salem.

Liability to taxation. SECT. 9. *Be it further enacted*, That the said American Insurance Company shall be liable to be taxed by a general law, providing for the taxation of all similar corporations. [Feb. 8, 1825.]

Chap. 63.

AN ACT to incorporate the Mercantile Insurance Company in Salem.

Persons incorporated.

Powers and privileges.

1817 ch. 120.

1819 ch. 141.

Real estate.

Capital stock.

[Capital reduced 1834 ch. 49.]

Shares and the payment thereof.

Directors.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Winn, Junior, Michael Shepard, Joseph Howard, Francis Boardman and Timothy Bryant, Junior, with their associates, successors and assigns, be, and hereby are incorporated into a company and body politic, by the name of the Mercantile Insurance Company in Salem, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled “an act to define the powers, duties and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies in this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from business, shall be one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money by each and every subscriber, on the amount of his subscription, within thirty days after public notice given by the president and directors, chosen by the stockholders, in two newspapers printed in the town of Salem, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three-fourths of the directors, and to be paid in such sum or sums, at such time or times, and under such penalties as the said president and directors shall in their discretion direct and appoint.

SECT. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by nine directors, one of whom shall be president

thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of April, annually, and at such time of the day, and in such place in the town of Salem, as a majority of the directors for the time being shall appoint, of which election public notice shall be given, by publication in some newspaper printed in Salem, ten days at least previous to such meeting, and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes, and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe, and if, through any unavoidable accident, the said directors should not be chosen on the second Monday of April as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided ; and it shall be the duty of the Secretary of the said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the town of Salem as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.

Manner of their election.

Right of voting.

Secretary may call meetings of stockholders.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and choose out of their body, one person to be president, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year, and in case of death, resignation, or inability to serve, of the president or any directors, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be notified and held in the same manner as herein before directed, respecting annual elections of directors.

Choice of president.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance ; also shall have power to appoint a secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet : *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Board of directors.

By-laws.

Proviso.

- First meeting. SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same in some newspaper printed in Salem, in two successive papers, for the purpose of electing their first board of directors, who shall remain in office until the second Monday in April, in the year of our Lord one thousand eight hundred and twenty-five, and until others shall be elected in their stead : *provided, however*, that this charter shall be void and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act : *and provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.
- Conditions of this charter.
- Limitation of risks. SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, or loan on respondentia, or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act.
- Location. SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the town of Salem.
- Liability to taxation. SECT. 9. *Be it further enacted*, That the said Mercantile Insurance Company shall be liable to be taxed by a general law providing for the taxation of all similar corporations. [*Feb. 8, 1825.*] Add. act, 1834 ch. 49.

Chap. 64. An Act to incorporate the Proprietors of Eastern Harbour Meadows and Beaches in the town of Truro, in the county of Barnstable.

- Proprietors incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the Proprietors and owners of Eastern Harbour Meadows and Beaches in the town of Truro, in the county of Barnstable, from and after the passing of this act, be, and they hereby are incorporated into a body politic, by the name of the Proprietors of Eastern Harbour Meadows and Beaches in Truro, and by that name may sue and be sued, and do and suffer all matters, acts, or things which bodies politic may or ought to do and suffer.
- Cattle not to run at large. SECT. 2. *Be it further enacted*, That after the passing of this act, it shall not be lawful for the inhabitants of Provincetown or Truro, or any other person or persons whatsoever, to turn out, feed, or suffer to run at large, any neat cattle, sheep, or horse kind, on any of the meadows or beaches called and known by the name of Eastern Harbour Meadows and Beaches in Truro, upon the penalty, for each offence, of one dollar a head for all neat cattle and horse kind, and twenty cents a head for every sheep, so turned out, fed, or suffered to run at large, on the meadows or beaches aforesaid, to be recovered by any inhabitant of either of the said towns before any justice of the peace for the county of Barnstable, by action of debt.
- Penalty.

SECT. 3. *Be it further enacted*, That any justice of the peace in the county of Barnstable, be, and he hereby is empowered and directed, upon application in writing from five or more of said proprietors, to issue his warrant to any one of the proprietors aforesaid, requiring him to notify and warn the said proprietors to meet at such time and place as he shall deem most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant, with the notifications thereon, at the presbyterian meeting-house in Truro, and the methodist meeting-house in Provincetown, seven days at least prior to the time of holding said meeting ; and the said proprietors, when legally assembled as aforesaid, shall have power to choose a clerk, committee, assessors, collector of taxes, treasurer, and such other officers as they shall deem necessary, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their room, which may be when and as often as said corporation shall judge necessary ; which officers, chosen and sworn as aforesaid, shall have the same power to perform, execute, and carry into effect any vote or lawful order of said corporation, as town officers, of like description, have by law to do and perform in their respective offices ; and the said corporation shall at their first meeting agree and determine upon a method of calling future meetings, and the said corporation at any meeting legally called for that purpose, may vote to raise monies for the purposes of making fences, setting out or planting beach grass, and for any other purposes which said proprietors may deem necessary for the preservation of said meadows, and for carrying the votes and orders of said corporation into effect ; and all monies raised as aforesaid shall be assessed upon each proprietor, in proportion to the interest he or she may have in said meadows and beaches ; and if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, for the space of sixty days after the assessment shall have been shewn to him by the collector, or a copy thereof left at his usual place of abode, so much of his or her meadow shall be sold by the collector as will be sufficient to pay the same, with cost, notice of such sale to be given by the collector, by posting up advertisements thereof in some public place in each of the aforesaid towns of Provincetown and Truro, thirty days prior to the sale, with the names of the proprietor or proprietors, the amount of taxes assessed upon their meadow or meadows respectively, and also the time and place of sale ; and if no person shall appear thereupon to discharge the said taxes and all intervening charges, then the collector shall proceed to sell at public auction, to the highest bidder, so much only of said meadows as shall be sufficient to discharge said taxes and all intervening charges, and shall give and execute a deed or deeds to the purchaser or purchasers, his or her heirs and assigns, expressing therein the cause of such sale, saving to such delinquent proprietor or proprietors the right of redeeming the same for the space of one year, by paying the said purchaser the sum he may

First meeting.

Choice of officers.

Raising of money.

Assessment and collection of the same.

Sale of delinquents' lands.

Rules and regulations.

have given therefor, and interest, after the rate of ten per centum per annum. And the said corporation may, at their first meeting, or at any future meeting legally called, establish such rules and regulations as shall be judged necessary : *provided*, the same are not contrary to the constitution and laws of this Commonwealth, for the better management of its affairs, for which purpose, in addition to the power and authority in this act given them, they are hereby invested with all the powers legally appertaining to the proprietors of general and common fields, any law of this Commonwealth now existing to the contrary notwithstanding. [*Feb. 11, 1825.*]

Chap. 66.

An ACT to preserve the Eel Fishery, and to prevent the wilful destruction of Oysters and all other shell-fish in the town of Harwich.

Eels not to be taken without a permit.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the date of this act, no fisherman, or any other person, shall take from the waters within the town of Harwich, any eels, without a permit from the selectmen of said town, under a penalty of three dollars for each bushel of fish so taken.

Oysters and other shell-fish.

SECT. 2. *Be it further enacted*, That to prevent the destruction of oysters and all other shell-fish within the waters belonging to the said town of Harwich, that all the provisions, fines, forfeitures, penalties, seizures and appropriations, prescribed and contained in an act passed in the year of our Lord seventeen hundred and ninety-six, entitled “an act to prevent the destruction of oysters and other shell-fish in this Commonwealth,” and also the several acts in addition thereto, so far as they may be applicable to the purposes of this act, be, and they are hereby extended to the said town of Harwich. [*Feb. 12, 1825.*]

1795 ch. 71.
1798 ch. 14.
1799 ch. 19.
1808 ch. 28.

Chap. 67.

An ACT to incorporate the Boston and Salem Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Lander, Pickering Dodge, Benjamin T. Pickman, Edward Lander, William Lawrence, Humphrey Devereux, Isaac Bangs, Robert Stone, Joseph H. Adams, William Silsbee, and Ebenezer Rollins, with their associates, successors, and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Boston and Salem Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties, and obligations contained in a law of this Commonwealth, entitled “an act to define the powers, duties, and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies in this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act :

Powers and privileges.

1817 ch. 120.

1819 ch. 141.

and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure ; and may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, the said real estate shall not exceed the value of one hundred thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within thirty days after public notice given by the president and directors, chosen by the stockholders, in two newspapers printed in the city of Boston, and the residue shall be secured by a deposite of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security, as may be approved by three fourths of the directors, and to be paid in such sum or sums, at such time or times, and under such penalties, as the said president and directors shall in their discretion direct and appoint.

Capital stock.

Shares and the payment thereof.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by twelve directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday in January, in each and every year, and at such time of the day, and in such place in the city of Boston, as a majority of the directors for the time being shall appoint ; of which election public notice shall be given by publication in some newspaper printed in Boston, ten days at least previous to such meeting ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than thirty votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe ; and if through any unavoidable accident, the said directors should not be chosen on the second Monday in January, as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided. And it shall be the duty of the secretary of said company, at any time upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the city of Boston, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.

Directors.

Manner of their election.

Right of voting.

Secretary may call meetings of stockholders.

SECT. 4. *Be it further enacted*, That the Directors when chosen, shall meet as soon as may be after every election, and

Choice of president, and filling of vacancies.

shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year, and in case of death, resignation or inability to serve, of the president or any directors, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the same manner as herein before directed, respecting annual elections of directors.

Board of directors.

SECT. 5. *Be it further enacted*, 'That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance ; also shall have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet : *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

By-laws.

Proviso.

First meeting.

SECT. 6. *Be it further enacted*, 'That any two or more persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same in some newspaper printed in Boston, in two successive papers, for the purpose of electing their first board of directors, who shall remain in office until the second Monday in January, in the year of our Lord one thousand eight hundred and twenty-six, and until others shall be elected in their stead ; *provided, however*, that this charter shall be void and of no effect, unless put in operation agreeably to the terms of it, within one year from and after the passing of this act : *and provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Conditions of this charter.

Limitation of risks.

SECT. 7. *Be it further enacted*, 'That the said company shall never take on any one risk, or loan on respondentia, or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act.

Location.

SECT. 8. *Be it further enacted*, 'That the said insurance company shall be located and kept in the city of Boston.

Liability to taxation.

SECT. 9. *Be it further enacted*, 'That the said Boston and Salem Insurance Company shall be liable to be taxed by a general law, providing for the taxation of all similar corporations. [Feb. 12, 1825.]

An ACT to incorporate the Trustees of the Methodist Religious Society in Marblehead.

Chap. 68.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Warren Shepard, Elijah Bliss, John Bartlett, Andrew F. Patrick, James Pratt, Ezekiel Darling and Stephen Roundy, and their associates and successors, be and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Methodist Religious Society in Marblehead; and the said corporation by the same name are hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of their corporate property and estate, consistent with the laws of this Commonwealth, and generally to do and execute whatever by law shall appertain to similar bodies politic.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the number of said trustees at no time shall exceed seven, four of whom shall constitute a quorum for doing business. And the said trustees shall, annually, in the month of March, elect from their own body a treasurer, who shall give bonds for the faithful performance of his trust, and who shall have charge of all monies, securities for monies, and other property and effects belonging to said methodist religious society. They shall also, at the time aforesaid, elect a secretary or clerk, who shall keep a faithful record of all their votes, doings and proceedings; the said trustees shall have power to make such rules and by-laws as may be necessary for the management of their affairs and the regulation of their officers, and also for the raising of money for the support of their public teacher, for the repairs of their chapel, and for calling such meetings, from time to time, as are not repugnant to the constitution and laws of this Commonwealth.

Number and powers of trustees.

SECT. 3. *Be it further enacted,* That whenever there shall occur any vacancy in the board of trustees, by reason of death, resignation, or removal from office, the secretary for the time being, shall notify and call a meeting of the remaining trustees, as soon as may be, and the minister having the pastoral charge of said methodist religious society shall nominate suitable persons being members of said society, and from such nomination the trustees shall by a majority of votes elect a person to fill such vacancy.

Vacancies, how filled.

SECT. 4. *Be it further enacted,* That the lands and other property that may be hereafter purchased by or given to the said trustees, for the use and benefit of the said methodist religious society, either for the support of the worship of God, or for the support of the poor of said society, shall be confirmed to the said trustees and their successors in that trust forever, and the said trustees and their successors may have and hold, by purchase, grant, devise, bequest or otherwise, any lands, tenements or hereditaments, or other estate, real or personal: *provided,* the annual income thereof shall not exceed the sum of two thousand

Estate, real and personal.

dollars ; and may sell and dispose of the same, and may apply the rents and proceeds thereof in such manner as shall best promote the end and design of the said methodist religious society.

Execution of
sealed instru-
ments.

SECT. 5. *Be it further enacted*, That all deeds and instruments requiring a seal, which the trustees shall have lawfully determined to make, shall be sealed with their seal, and being signed by the treasurer and secretary of said corporation for the time being, and duly acknowledged, shall be good and valid in law.

First meeting.

SECT. 6. *Be it further enacted*, That James Pratt, herein before named, is hereby authorized and empowered to call the first meeting of the trustees, giving to each of the other of said trustees, seven days previous notice of the time and place of holding the same. [*Feb. 12, 1825.*]

Chap. 69.

An ACT incorporating the Norfolk Mutual Fire Insurance Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer Fisher, John Endicott, Josiah J. Fiske, George Barber, Junior, Henry Gardner, David Shepard, Charles Davis, Daniel A. Sigourney, Samuel J. Gardner, Josiah S. Fisher, Pliny Bingham, Ebenezer Fisher, Junior, Erastus Worthington, George Dixon, Seth Mann, Leonard Everett, Thomas French, John Ruggles, Samuel Dogget, Junior, Jonathan A. Richards, John W. Child, David Baker, William Bacon, Eliphalet Baker, Isaac Whiting, and their associates, shall be a corporation, by the name of the Norfolk Mutual Fire Insurance company, and possess all the powers and privileges incident to such corporations, for twenty-eight years.

Powers and
privileges.

Officers, by-
laws.

SECT. 2. *Be it further enacted*, That said corporation may choose such officers, and establish such by-laws as they may deem necessary, not inconsistent with the constitution and laws of this Commonwealth. In all matters decided in any general meeting of said corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy.

Right to vote.

When author-
ized to insure.

SECT. 3. *Be it further enacted*, That when the sum subscribed by the associates to be insured, shall amount to one hundred and fifty thousand dollars, said corporation shall then be authorized to insure, for the term of one to seven years, any dwelling-house, or other building, and household furniture, in the county of Norfolk, to any amount, not exceeding three quarters of the value of the property insured.

Investment and
disposition of
funds.

SECT. 4. *Be it further enacted*, That the funds of the corporation shall be vested in stocks, or loaned on such securities as the directors may order. And the funds shall be appropriated, first to pay the expenses of the corporation, and next to pay the damage which any member may be entitled to recover on his policy. In case any member shall have a just claim against the corporation, exceeding the amount of their then existing funds, the directors shall, without delay, assess such sums as may be necessary, on the members ; which assessment shall be in pro-

Assessments.

portion to the amount of his premium and deposite for seven years, but shall not in any case exceed double the amount of said premium [and] deposite.

SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment against said corporation, he may levy his execution on any of their funds ; but if he cannot find sufficient funds, he may levy the same on the private property of any one of the directors : *provided*, they refuse or neglect for the space of sixty days to satisfy the execution, after a demand made on them for that purpose. And any director who may thus have his property taken, may sustain an action on the case to recover compensation therefor of the corporation.

Levy of executions.

SECT. 6. *Be it further enacted*, That, as each member of this corporation is liable to pay such assessments as the directors shall order, and likewise to pay his deposite notes given for his premium ; now to secure the payment of the same, it is hereby provided, that a policy of insurance shall of itself, without any other ceremony whatever, create a lien on any dwelling-house or building insured, and on the land under it : *provided*, said policy shall express the intention of the corporation of relying on such lien. This provision shall not prevent the corporation from receiving any other kind of collateral security.

Lien on property insured.

SECT. 7. *Be it further enacted*, That in case it should become necessary to resort to such lien, as is before provided, it shall be the duty of the treasurer, before he attempts to compel payment by selling the insured premises, first to demand payment of the insured, and, in case of his decease, on his legal representative, and likewise of the tenant of the insured estate. In case payment is refused, said corporation may then sustain an action on the case, against the insured, or his legal representative, for any sum due, either on a deposite note, or by assessment, and their execution, which may issue thereon, may be levied on the insured premises ; and the officer making the levy, may sell the whole or part thereof, at public auction, giving the same notice, and proceeding in the same manner, as is required in the sale of equities of redemption on execution. The owner of the estate shall likewise have a right to redeem the estate thus sold, within one year : *provided*, he shall first pay the costs of sale, the execution, and twelve per cent. thereon.

Treasurer may sell insured premises after demanding payment.

Owner may redeem.

SECT. 8. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of the Commonwealth. Any two members named in this act may call the first meeting, by publishing notice thereof, in the Boston Patriot, and Village Register published at Dedham. [*Feb. 12, 1825.*]

Liability to taxation.

First meeting.

An ACT to incorporate the Trustees of the Methodist Religious Society in South Boston.

Chap. 70.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Granville, James Venable, John Staniford, Edward Phillips, Samuel Moor, and Samuel Holbrook,

Persons incorporated.

and John Norris, be, and they hereby are incorporated into a body politic, by the name of the Trustees of the Methodist Religious Society in South Boston, and by that name, they and their successors in office shall be a corporation forever.

Estate, real and personal.

Sect. 2 repealed 1824 ch. 105.

Vacancies, how filled.

Election of officers and by-laws.

First meeting.

SECT. 2. *Be it further enacted*, That the said trustees may have and hold any personal or real estate in South Boston, not exceeding the sum of fifty thousand dollars, for the benefit and in the behalf of the Methodist Religious Society in South Boston, and the same manage and improve, or sell and convey, as the case may require, subject however to such rules and regulations as may be prescribed and adopted by a majority of the male members of said methodist religious society, at any annual meeting thereof.

SECT. 3. *Be it further enacted*, That whenever any vacancy may occur in the board of trustees hereby constituted, by death or resignation, the said methodist religious society, by a majority of the votes of the male members, at any meeting called for that purpose, may elect one or more persons from the male members of said church, of twenty-one years of age or upwards, to fill such vacancy, so that the number of trustees be kept up to the number of seven forever; any four of them, duly assembled, shall be competent to transact any business.

SECT. 4. *Be it further enacted*, That said trustees shall meet at least once in each year, and elect such officers, and prescribe such rules, regulations and by-laws, as they may deem expedient for the management of their affairs, always keeping a fair record of all their proceedings.

SECT. 5. *Be it further enacted*, That William Granville be, and he hereby is authorized to call the first meeting of the said board of trustees, at such time and place as he may appoint, at which first meeting there shall be chosen a secretary, a treasurer, and a president; also a code of rules, regulations and by-laws shall be adopted, which shall remain in force one year, and until altered or amended at any future annual meeting: *provided, however*, that nothing in this act, or in the rule, [rules] regulations and by-laws of the aforesaid methodist religious society, shall in any manner be repugnant to the constitution and laws of this Commonwealth. [Feb. 15, 1825.] Add. act, 1824 ch. 105.

Chap. 71. AN ACT to prevent the destruction of the Lobster and Clam Fishery in the town of Truro, in the county of Barnstable, and to preserve and regulate the same within the waters and shores of the said town.

Taking of lobsters and other shall-fish, without permit forbidden.

Penalties.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person or persons to take any lobsters, clams, or any other shell-fish, within the waters and shores of the town of Truro, without first obtaining a permit in writing from the selectmen of the said town, which they are hereby authorized to grant to any person or persons, for such sum paid to the use of said town, and on such conditions as they shall think proper. And every person offending against the provisions of this act shall, for every such offence, forfeit and pay the sum of ten dollars, and in case the number of lobsters, so unlawfully taken, shall exceed one hundred, such person or persons shall, in addition to such

penalty, forfeit and pay a further sum of ten dollars for each hundred lobsters so taken, and in that proportion for a larger or smaller number over the first hundred; and two dollars for every bushel of clams or quahogs, including their shells, and in that proportion for a larger or smaller quantity that shall be so unlawfully taken.

SECT. 2. *Be it further enacted*, That the waters and shores of the town of Truro shall be considered and taken, by this act, to extend to a line drawn as follows, to wit: beginning at the town line betwixt Provincetown and Truro, on the south side of cape Cod, at high-water mark, from thence running southerly across the harbor until it strikes the line at low water-mark, betwixt Truro and Wellfleet, on the west side of said towns. Line described.

SECT. 3. *Be it further enacted*, That the said town of Truro be, and the said town hereby is authorized to choose annually such number of fish-wardens as it may judge necessary, who shall be sworn to the faithful discharge of their duty; whose duty it shall be to prosecute for all offences against this act; and all fines and forfeitures that shall be incurred by virtue of this act, shall be recovered, the one half to the use of him or them who shall sue for the same, and the other half to the use of the said town of Truro, with legal costs of suit, by an action of debt, in any court proper to try the same. [*Feb. 15, 1825.*] Truro may choose fish-wardens.

AN ACT granting further time for the payment of the last instalment of the capital stock of the Globe Fire and Marine Insurance Company.

Chap. 72.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the stockholders of the Globe Fire and Marine Insurance Company, may and shall have a further time of five years from the date of this act, to pay in their last instalment, or twenty-five per centum of the capital stock of said company. 1823 ch. 86.

SECT. 2. *Be it further enacted*, That the second section of the act, entitled “an act to incorporate the Globe Fire and Marine Insurance Company,” so far as it relates to the payment of said last instalment, or twenty-five per centum of said capital stock in one year from the first meeting of said company, be, and the same is hereby repealed. [*Feb. 15, 1825.*] Add. acts, 1829 ch. 28: 1834 ch. 9. Further time allowed.

AN ACT to establish the Baptist Society in Montgomery.

Chap. 73.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Moses Parks, Holly Clark, Warham Mather, Benjamin Phillips, Guy Moor, Apollos Moor, Ebenezer Tillotson, and such others as now are, or may hereafter be associated with them, be, and they hereby are incorporated, by the name of the Baptist Society in Montgomery, with all the privileges, powers, and immunities to which parishes or religious societies in this Commonwealth are entitled. Persons incorporated.

SECT. 2. *Be it further enacted*, That Moses Parks is here- Powers and privileges.

First meeting.

by authorized to notify the members of the said society, qualified to vote, to assemble at some suitable time and place in said town of Montgomery, then and there to elect such officers, to adopt such by-laws and regulations, and to take such other measures as they may deem necessary for the proper management of the affairs of said corporation. [*Feb. 15, 1825.*]

Chap. 75. An Act to repeal part of an Act, entitled "An Act to incorporate the Second Parish in the town of Deerfield," and for other purposes.

1818 ch. 22.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the sixth section of an act, passed in the year of our Lord one thousand eight hundred and eighteen, entitled "an act to incorporate the second parish in the town of Deerfield," be and the same hereby is repealed.

Repeal.

First meeting of First Cong. Parish in Deerfield.

SECT. 2. *Be it further enacted,* That the selectmen for the time being, of the said town of Deerfield, or the major part of them, be, and they hereby are authorized and required to call the first meeting of the First Congregational Parish in said Deerfield, by issuing their warrant, directed to some one member of the same parish, requiring him, by posting up a written notification, at or near the new meeting-house, in the same parish, to give notice to the members of the same, qualified to vote in parish affairs, to assemble and meet at such convenient time and place in said town, as shall be expressed in said warrant, to choose such officers as parishes are by law authorized or required to choose, in the month of March or April, annually, and to transact all other business, matters, and things, which shall, by the said meeting, be thought necessary or proper for the well being of the same parish.

Choice of officers.

Duty of clerk.

SECT. 3. *Be it further enacted,* That it shall be the duty of the clerk, who shall be chosen and appointed at the said first meeting, to transfer from the book of records, of the said town of Deerfield, all votes, matters and things therein recorded of a merely parochial nature, relating to the concerns of the said first parish, which have been passed or transacted since the first day of January, in the year of our Lord one thousand eight hundred and twenty-three, and to enter and record the same in the book of records to be procured and kept by the same parish, and the said clerk, and all future clerks of the said first parish shall be the legal and proper officer and officers to certify the same, at any future time, whenever it may be necessary or requisite. [*Feb. 15, 1825.*]

Chap. 76. An Act regulating the taking of Fish in the town of Bridgewater, in the county of Plymouth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of June next, it shall be lawful for the town of Bridgewater to catch the fish called shad and alewives in Titicut river, so called, which forms the boundary line between said town of Bridgewater, and the town of Middleborough, with a seine or net, and for that purpose they may

sell at public auction for their own benefit, the privilege of catching said fish in said river, with one seine or net only, fifteen rods in length, four days in each week, between the fifteenth day of March, and the first day of June in each year, to commence at four o'clock on Monday morning, and to end at four o'clock on Friday morning, any thing in any law of this Commonwealth, now existing, to the contrary notwithstanding: *provided*, that the said town of Bridgewater shall, at a legal meeting, between the first day of September and the last day of December, in each year, dispose and make sale of, at public auction, for the next year, and so from year to year, their privilege for catching shad and alewives with a seine or net, in the river aforesaid, for the time aforesaid, to such person or persons as shall offer the most for the same, and give sufficient security for the payment of the purchase money at such time, and in such manner as the said town shall order: *provided, also*, that it shall not be lawful for said town, or the purchaser of said privilege, to catch the fish aforesaid, within seventy five rods of the dam across said river, known by the name of Pratt's dam.

Bridgewater may sell the privilege of taking fish.

Time and manner of sale.

Proviso.

[Vide further prohibition, 1825 ch. 74.]

SECT. 2. *Be it further enacted*, That the purchaser or purchasers of said privilege shall select the place where he or they intend to use his or their seine or net, for the purpose of catching shad and alewives, and shall file a certificate thereof with the clerk of the town of Bridgewater, on or before the first day of March in each year; and no purchaser of the privilege aforesaid, shall make use of a seine or net for the purpose aforesaid, at any other place in said river than the place so selected and certified as aforesaid, during the time aforesaid.

Purchaser shall select the place for taking fish, and file a certificate thereof.

SECT. 3. *Be it further enacted*, That if any person or persons shall, at any time or place, other than those admitted by this act, catch or destroy the fish aforesaid, in said Titicut river, he or they shall forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, to be recovered by indictment, complaint, or action of debt, in any court proper to try the same, one half to the use of the said town of Bridgewater, and the other half to him who shall sue or prosecute for the same: *provided*, that in all prosecutions for any violation of this act, by the fish inspectors, or any other inhabitant of the town of Middleborough, one half of the penalty shall accrue to that town, instead of the town of Bridgewater.

Penalty for taking fish contrary to the provisions of this act.

Proviso.

SECT. 4. *Be it further enacted*, That said town of Bridgewater shall, at their annual meeting in the month of March or April, in each year, choose four or more persons, being freeholders in said town, whose duty it shall be to see that this act be duly observed, and to prosecute for all breaches thereof; and each person so chosen shall be sworn to the faithful discharge of his duty, and if any person so chosen shall refuse to serve, he shall forfeit and pay to the use of the town of Bridgewater, the sum of five dollars, to be sued for and recovered by the town clerk of said town, and said town shall immediately proceed to a new choice. [Feb. 15, 1825.] Add. act, 1825 ch. 74.

Fish inspectors to be chosen.

Chap. 77.

An ACT to incorporate the Williamsburg Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Southworth Jenkins, and Joseph Jenkins, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Williamsburg Manufacturing Company, for the purpose of manufacturing woollen, cotton, and linen goods in the town of Williamsburg, in the county of Hampshire, and for these purposes shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Persons incor-
porated.

Powers and
privileges.

1808 ch. 65.

Estate, real and
personal.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of one hundred and fifty thousand dollars, as may be necessary for carrying on the manufactures aforesaid. [*Feb. 15, 1825.*]

Chap. 78.

An ACT regulating the transportation of Gunpowder in and through the town of Charlestown.

Gunpowder,
how conveyed
through
Charlestown on
Midd. Canal.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, all gunpowder brought into or conveyed through the town of Charlestown by the Middlesex canal, in any boat or otherwise, the same shall be closely and entirely covered with leather or painted canvass, and shall proceed without delay, (other than is necessary in passing locks,) through the Mill pond to Charles river, and to the place of its destination : *provided, nevertheless,* that whenever such boat or other vehicle be impeded in its passage by wind, low water, or other cause, the same shall be removed at a distance of not less than one hundred yards from the shore or landing place in said Mill pond, nor shall it approach said landing place again, unless it proceed without delay to Charles river ; and no boat or other vehicle loaded, or principally loaded with gunpowder, shall approach another loaded in like manner and belonging to the same concern within one hundred yards, and no such boat or vehicle shall be allowed to have any fire on board, nor be left without being under the immediate care and inspection of some suitable person.

— and how by
land.

SECT. 2. *Be it further enacted,* That whenever any quantity of gunpowder, exceeding fifty pounds, is conveyed into or through said town of Charlestown, otherwise than by the canal, the same shall proceed, without delay, to the place of its destination, in carriages or vehicles closely and entirely covered with leather or painted canvass, and the bottom and sides covered with some soft substance that shall prevent any dangerous friction ; and all gunpowder, whether conveyed by land or water carriage, shall be enclosed in tight casks, boxes or cannisters,

— how enclos-
ed.

that shall prevent the escape of any particle of their contents ; and no load of gunpowder shall exceed fifteen hundred pounds, or be approached or followed by another load of gunpowder, belonging to the same concern, within two hundred yards, nor be left without being under the immediate care of some suitable person : *provided, however*, that the provisions of this act shall not extend to the transportation of gunpowder on the old road leading from Cambridge common to Malden bridge, or in any part of said town of Charlestown north and west of said road.

Proviso.

SECT. 3. *Be it further enacted*, That gunpowder shall not be landed in said town of Charlestown from any vessel or boat, unless the passage to the powder house by water, is so far obstructed, as to render it dangerous or impassable, and in all such cases, when it is necessary for powder to be landed, it may be done, by an application for that purpose being first made to one or more of the firewards of said town, and under his or their direction, it shall be transported forthwith to the powder house.

When, and how it may be landed from vessels and boats.

SECT. 4. *Be it further enacted*, That gunpowder found within the town of Charlestown aforesaid, in violation of the provisions of this act, may be seized by one or more of the firewards of said town, and shall be forfeited, agreeably to the provisions of an act entitled “an act to provide for the safe keeping of gunpowder in the town of Charlestown.” *Provided, however*, that the seizure and forfeiture, in consequence of a violation of this act, shall in no case exceed five hundred pounds of any one load. [*Feb. 15, 1825.*]

Forfeitures for breach of this act.

1813 ch. 139.

Proviso.

An Act to incorporate the North River Bridge Company.

Chap. 79.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward P. Little, Nathaniel Phillips, together with such other persons as now are associated, or may be hereafter associated with them, be, and they hereby are made and constituted a corporation and body politic, by the name of the North River Bridge Company, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all matters and things which bodies politic may or ought to do and suffer ; and that said corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That the said Edward P. Little and Nathaniel Phillips, may, by posting up notifications at some public places in the towns of Scituate and Marshfield, warn and call a meeting of the proprietors, to be holden at any suitable time and place, after ten days from the first posting up said notifications ; and the proprietors, by a vote of the majority of those present, or duly represented at said meeting, allowing one vote to and for each single share : *provided, however*, that no one proprietor shall be allowed more than ten votes, shall choose a clerk, who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings, and may

First meeting.

Right of voting.

By-laws.	elect such officers, and make and establish such rules and by-laws, as to them may seem necessary or convenient for the regulation and government of the said corporation, and for collecting the
Penalties.	toll hereinafter granted, and may annex penalties to the breach of any by-laws, not exceeding ten dollars; and all rules, regulations and proceedings of said corporation shall be fairly and truly recorded by the said clerk, in a book or books to be provided for, and kept for that purpose.
Location of bridge.	SECT. 3. <i>Be it further enacted</i> , That the said proprietors be, and they hereby are authorized and empowered to erect a bridge over North river, between the towns of Scituate and Marshfield, in the county of Plymouth, near the dwelling-house of Edward P. Little, with a convenient draw, at least thirty feet wide, for the passing of vessels; and the said proprietors shall constantly keep some suitable person or persons at the said bridge, who shall raise said draw for any vessel that may be passing up or down said river, free of expense to the owners thereof: <i>and provided</i> , that when said bridge is opened to receive tolls, if the person, whose duty it shall be to raise the draw for the passage of vessels, shall unreasonably neglect or refuse to do the same, the proprietors of said bridge shall, for every such neglect or refusal, be liable to a fine of ten dollars, for the benefit of the person or persons damaged by such delay, to be recovered in any court of competent jurisdiction to try the same.
Penalty for neglecting to raise the draw.	
Rates of toll.	SECT. 4. <i>Be it further enacted</i> , That a toll be, and hereby is granted and established for the sole benefit of said proprietors, according to the rates following, to wit: for each foot passenger, one cent; for each horse and rider, five cents; for each horse and chaise, chair, sulky or sleigh, ten cents; for each coach, chariot or phaeton, twenty cents: for each sleigh drawn by more than one horse, sixteen cents; for each cart, sled or other carriage of burthen, drawn by one beast, eight cents, if drawn by more than one beast, ten cents; for each horse without a rider, and for neat cattle, two cents each; for sheep and swine, six cents for each dozen; and one person, and no more, shall be allowed to each team as a driver, to pass free of toll. And the toll shall commence on the day of first opening the said bridge, and shall continue for the term of seventy years. And at the place where the toll shall be received, there shall be erected, and constantly exposed to view, a sign-board, with the rates of toll fairly and legibly written or painted thereon in large letters: <i>provided</i> , <i>nevertheless</i> , that the Legislature shall have a right, at any time after the expiration of fifteen years, to alter and regulate anew the rates of toll to be received by said proprietors: <i>provided</i> , <i>also</i> , that when the receipts of toll or income of said bridge shall have amounted to a sum sufficient to defray the expense of building, repairing and sustaining the same, and paying an interest of nine per cent. on the first cost, the said bridge shall revert to the Commonwealth; or when the inhabitants of the towns of Scituate and Marshfield shall remunerate the said proprietors for the expense of said bridge, with nine per cent. interest thereon (de-
Provisos.	

ducting what may have been received by tolls,) said bridge may be opened free of toll, any thing in this act to the contrary notwithstanding.

SECT. 5. *Be it further enacted*, That the said proprietors be, and hereby are authorized and obliged to lay out make and maintain a good and convenient road over the salt marsh, and a small island of upland adjoining the north end of said bridge, in the town of Scituate, until it comes to the main upland, being about eighty three rods. And the said proprietors shall be holden to pay all damages which shall arise to any person, by taking his or her land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a committee to be appointed by the court of sessions for the county of Plymouth, saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Proprietors required to make a road.

— and pay damages.

SECT. 6. *Be it further enacted*, That the said bridge shall be well built, with suitable materials, at least twenty two feet wide, and covered with planks, with sufficient rails on each side. And the said bridge shall be kept in good repair at all times; and when the said bridge is built, the clerk of the proprietors shall make a return into the office of the secretary of the Commonwealth, of the actual expense of building the same; and at the end of fifteen years from the time of opening said bridge, the clerk aforesaid shall make a return into the said secretary's office, stating the amount of receipts, expenditures and dividends during the said term of time.

The clerk of the proprietors to make returns to the secretary's office.

SECT. 7. *Be it further enacted*, That if the said proprietors shall neglect, for the space of four years from the passing of this act, to build and erect said bridge, then this act to be void and of no effect. [Feb. 15, 1825.]

Conditions of this act.

An ACT to incorporate the Proprietors of Christ Church in Leicester.

Chap. 80.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Hartwell, Seth Hartwell, Hezekiah Stone, Abraham F. Howe, John B. Shaw, Henry K. Newcomb and James Anderton, with such as may hereafter associate with them, with their polls and estates, according to law, be, and they hereby are incorporated into a religious society, by the name of Christ Church in Leicester, with all the privileges, powers and immunities to which religious societies are entitled by the constitution and laws of this Commonwealth, and according to the rights and discipline of the protestant episcopal church of the United States of America.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That Samuel Hartwell, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of said society, requiring him to warn the members of said society, qualified to vote, to assemble at some suitable time and place in said Leicester, then and there to choose such officers as they shall see fit, and as parishes are

First Meeting.

by law required to choose in the month of March or April, annually, and to transact such other business as may be necessary or proper to be done and transacted by said society. [Feb. 15, 1825.]

Chap. 81.

An ACT to incorporate the Franklin Typographical Society.

Persons incor-
porated.

Powers and
privileges.

Estate, real and
personal.

First Meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Amos Sampson, Andrew Wright, Samuel W. Mortimer, William H. Cook, Peter H. Richards, Hiram Adams and John M. Howes, and their associates and successors, be, and they are hereby incorporated, and made a body politic, by the name of the Franklin Typographical Society, and by that name shall be a corporation, with power to have a common seal, to make contracts relative to the objects of their institution, to sue and be sued, to establish by-laws and orders for the regulation of said society, and the preservation and application of the funds thereof: *provided*, the same be not repugnant to the constitution or laws of this Commonwealth; to take, hold and possess any estate, real or personal, by gift, grant, subscription, purchase, devise, or otherwise, and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution: *provided*, that the value of the real estate of said society shall never at any one time exceed five thousand dollars, nor the value of the personal estate exceed ten thousand dollars.

SECT. 2. *Be it further enacted, That* any three of the persons named in this act be, and they are hereby empowered, by advertisement in any one or more newspapers printed in Boston, to call a meeting of the members of the said society, to be holden at such convenient time and place as shall be appointed in said advertisement, to organize the said society, by the election and appointment of its officers. [Feb. 15, 1825.]

Chap. 82.

An ACT to incorporate the Gore Turnpike Corporation.

Persons incor-
porated.

Powers and
privileges.

1804 ch. 125.

First Meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Samuel Slater, Thomas Keith, Willard Arnold, Paul Dudley, their associates, and such as may hereafter associate with them, their successors and assigns, shall be a corporation, by the name of the Gore Turnpike Corporation, for the purpose of making a turnpike road from the meeting-house in Douglas to the factory of Samuel Slater, Esq. in Slater's village, in the southwesterly part of Oxford, in the county of Worcester, in the most direct and convenient way; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto.

SECT. 2. *Be it further enacted, That* any two of the persons named in the first section of this act, are authorized to call the first meeting of the said corporation. [Feb. 16, 1825.]

An Act to incorporate the Trustees of the Ashley School and Charitable Fund.

Chap. 83.

WHEREAS, Deacon John Ashley, late of West Springfield, in the county of Hampden, deceased, devised and bequeathed the remainder of his estate, after the payment of certain specific legacies and bequests, to trustees named in his will, for the support of schools in the town of West Springfield, and for the propagation and diffusion of Christian knowledge ; therefore, in order that the intention of the said testator may be carried into effect :

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Heman Day, Esquire, Jonathan Parsons, Gentleman, Samuel Lathrop, Esquire, and Justin Ely, Esquire, be, and they are hereby constituted a body politic and corporate, by the name of the “ Trustees of the Ashley School and Charitable Fund,” and by that name shall have perpetual succession, may sue and be sued, may have a common seal, and possess all the powers incident to corporations by the laws of this Commonwealth, which are necessary to enable them to carry into effect the last will and testament of Deacon John Ashley, aforesaid, and to execute the trust reposed in them by that instrument.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the said trustees are authorized to demand, take, and receive all such sums of money, or other property, as are bequeathed or devised to them, by said last will and testament, and shall divide the same into two distinct funds, two third parts thereof, into a fund for the support of schools in the said town of West Springfield, the interest of which shall be annually appropriated and apportioned among the several school districts in said town, for the purposes, and conformable to the directions in said will ; the other third part thereof, into a fund for the propagation and diffusion of christian knowledge, the interest of which shall be annually paid, one half part thereof to the treasurer of the society for foreign missions, and the other half towards the support of missionaries within the United States : *provided, nevertheless,* that the said trustees may at any time discharge themselves of that part of their trust, which relates to the propagation and diffusion of christian knowledge, by paying over one half part of the principal to the treasurer of the society for Foreign Missions, and the other half to the treasurer of the Hampshire Missionary Society.

Management and disposition of the funds.

SECT. 3. *Be it further enacted,* That the said trustees shall have power to fill the vacancy now existing in their body, by the death of Ruggles Kent, one of the trustees named by the said John Ashley, and shall, at all future times, have the like power of filling all vacancies which may exist in their board, and whenever their number shall be reduced below five, shall fill the vacancy at the first meeting which shall be holden thereafter, by some person qualified according to the provision of said will ; said trustees shall have power to appoint a clerk, who shall be under oath, faithfully to record all votes and transactions of the board ; a treasurer, who shall give bonds to the trustees and their

Trustees shall have power to fill vacancies,

— appoint a clerk, treasurer, &c.

successors, with sufficient surety, in such sum as they shall direct, with condition to do and perform all the duties incumbent on him as treasurer, and such other officers as they shall think necessary and expedient to enable them to execute the trust reposed in them, which officers shall hold their offices until others shall be chosen and qualified to succeed them.

First meeting. SECT. 4. *Be it further enacted*, That Samuel Lathrop, Esquire, be, and he is hereby authorized to call the first meeting of the trustees, at which time they may agree upon the mode of calling future meetings, which mode they shall be at liberty to alter at any future meeting. [*Feb. 16, 1825.*]

Chap. 84.

AN ACT to establish a College in the town of Amherst.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is incorporated in the town of Amherst, in the county of Hampshire, a college, for the education of youth ; and that the Rev. Heman Humphrey, D. D., Hon. William Gray, Hon. Marcus Morton, Rev. Joshua Crosby, Hon. John Hooker, Rev. Joseph Lyman, D. D., Israel E. Trask, Esq., Rev. Jonathan Going, Elisha Billings, Esq., Rev. James Taylor, S. V. S. Wilder, Esq., Rev. Joseph Vaill, Hon. Jonathan Leavitt, Rev. Alfred Ely, Hon. Lewis Strong, Rev. Francis Wayland, Junior, and Elihu Lyman, Esq., be, and hereby are constituted a body corporate, by the name of the Trustees of Amherst College ; and that they and their successors, and such as shall be duly elected members of said corporation, shall be, and remain a body corporate by that name forever. And for the orderly conducting the business of said corporation, the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices ; and also to remove any trustee from the same corporation, when, in their judgment, he shall be rendered incapable, by age, or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same ; and also from time to time to elect new members of the said corporation : *provided, nevertheless*, that the number of members, (including the president of said college, for the time being, who shall, *ex-officio*, be one of said corporation,) shall never be greater than seventeen, and that the five vacancies which shall first happen in the board of trustees, shall be filled, as they occur, by the joint ballot of the Legislature, in convention of both houses ; and whenever any person so chosen by the Legislature to fill such vacancy, or his successor, shall cease to be a member of the corporation, his place shall be filled in like manner, and so on, forever. And it shall be the duty of the trustees to fill all other vacancies of their board, as soon after they occur as reasonably and conveniently may be done : *and provided, further*, that as vacancies shall occur in said board, they shall be so filled

Persons incorporated.

Election of a president and other officers.

Proviso.

Vacancies, how filled.

Proviso.

that the said board shall, as soon as may be, and forever after, consist of seven clergymen and ten laymen ; and the Rev. Herman Humphrey, D. D., is authorized to fix the time and place of the first meeting of the said trustees, and to notify each of them thereof, in writing.

First meeting.

SECT. 2. *And be it further enacted*, That the said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the trustees to convene at such meetings ; and also from time to time to elect a president of said college, and such professors, tutors, instructors, and other officers of the said college, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities, and tenures of their several offices. And the said corporation are further empowered to purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said college ; and also to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties, for the good government of the said college, and for the regulation of their own body, and also to determine and regulate the course of instruction in said college, and to confer such degrees as are usually conferred by colleges in New-England, except medical degrees : *provided, nevertheless*, that no corporate business shall be transacted, at any meeting, unless nine, at least, of the trustees are present.

Officers, duties, and salaries.

Rules, orders, and degrees.

Quorum.

SECT. 3. *And be it further enacted*, That the said corporation may have a common seal, which they may alter or renew at their pleasure, and that all deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name, be considered in law, as the deeds of said corporation ; and that said corporation may sue and be sued in all actions, real, personal, or mixed, and may prosecute the same to final judgment and execution, by the name of the Trustees of Amherst College : and that said corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, bequest, devise, or otherwise, any lands, tenements, or other estate, real or personal : *provided*, that the clear annual income of the same shall not exceed thirty thousand dollars.

General powers.

Estate.

SECT. 4. *And be it further enacted*, That the clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the endowment of said college, in such manner as shall most effectually promote virtue and piety, and the knowledge of such of the languages and of the liberal and useful arts and sciences, as shall be directed from time to time by the said corporation, they conforming to the will of any donor or donors in the application of any estate received, which may be given, devised, or bequeathed, for any particular object connected with the college.

Appropriation of funds.

SECT. 5. *And be it further enacted*, That the said trustees be, and are hereby authorized to receive all the real estate, goods,

Transfer of property and contracts.

chattels, choses in action, and property of every description whatever, which has, heretofore, been given, conveyed, purchased, bequeathed, devised, or in any other way secured, or engaged to be given, paid, or devised to the trustees of Amherst Academy, with the intent and for the purpose of establishing and maintaining a classical or collegiate institution in said town; and that all the said funds and estate, as well as all other property which may be received by them, shall be faithfully and forever used and appropriated according to the will of the donors: *provided*, that the several acts and contracts of the Trustees of Amherst Academy, relative to the property given for the benefit, and debts incurred by them for the use of the said collegiate institution, shall have full force and be equally binding upon the Trustees of Amherst College, as they now are upon the trustees of said academy.

Proviso.

Religious freedom.

SECT. 6. *And be it further enacted*, That no instructor in said college shall ever be required by the trustees to profess any particular religious opinions, as a test of office, and no student shall be refused admission to or denied any of the privileges, honors, or degrees of said college, on account of the religious opinions he may entertain.

Union of Williams and Amherst Colleges.

SECT. 7. *And be it further enacted*, That if it shall hereafter appear to the Legislature of this Commonwealth lawful and expedient to remove Williams College to the town of Amherst, and the President and Trustees of Williams College shall agree so to do, the Legislature shall have full power to unite Williams and Amherst Colleges into one university, at Amherst, on such terms and conditions, and under such government as shall be agreed on by the majority of a board of seven commissioners, of whom, two shall be appointed by each of said colleges, and three by the joint ballot of the Legislature, in convention of both houses; and in case the commissioners, or either of them, on the part of the Amherst College, shall not be appointed, then the residue of said commissioners shall have full power to proceed in the premises: *provided, also*, that if the said Trustees of Amherst Academy shall not, within eight months from the passing of this act, by a good deed or deeds, assign, convey, and make over to the said Trustees of Amherst College, their successors, and assigns, all the real estate, goods, chattels, choses in action, and property mentioned in the fifth section of this act, to be used and appropriated as is therein provided, this act shall be void.

Condition of this act.

Legislative control.

SECT. 8. *And be it further enacted*, That the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul, or restrain any of the powers vested by this act in the said corporation, as shall be judged necessary to promote the best interests of the said college, and more especially may appoint and establish overseers or visitors of the said college with all necessary powers for the better aid, preservation, and government thereof.

Proviso.

Provided, That the granting of this charter shall never be considered as any pledge on the part of Government, that pecuniary aid shall hereafter be granted to the college. [Feb. 21, 1825.]

An Act in addition to an Act, entitled "An Act in addition to an Act to incorporate the Proprietors of the Charlestown Bleachery."

Chap. 85.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said corporation be, and the same hereby is authorized to increase the shares of the corporate stock thereof to any number not exceeding eight hundred. [Feb. 22, 1825.]

1821 ch. 28.
1823 ch. 5.

Increase of
shares.

An Act to incorporate certain persons in [by] the name of the South Boston Flint Glass Works.

Chap. 86.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Andrew A. Jones and Daniel Jackson, with such other persons as already have, or hereafter may associate with them, their successors or assigns, be, and hereby are made a corporation by the name of the South Boston Flint Glass Works, for the purpose of manufacturing glass, and shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incor-
porated.

Powers and
privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding one hundred thousand dollars, and such personal estate, not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacturing of glass.

Estate, real and
personal.

SECT. 3. *Be it further enacted,* That either of the persons named in this act, is hereby authorized to call the first meeting of the members of said corporation, at any convenient time and place, by giving personal notice to each member, for the purpose of choosing officers, and making by-laws, and transacting other business relating to said corporation. [Feb. 22, 1825.]

First meeting.

An Act in addition to an Act to incorporate the Salem Laboratory Company.

Chap. 87.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Salem Laboratory Company be, and hereby is authorized to hold and possess personal estate, not exceeding one hundred thousand dollars, in addition to the sum they are authorized to hold and possess by the act to which this is in addition. [Feb. 22, 1825.]

1818 ch. 43.

Capital may be
increased.

An Act to incorporate the Newburyport Hosiery Company.

Chap. 88.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edward S. Rand, Thomas M. Clark, Dudley A. Tyng, Moses Atkinson, Edward Rand, John Wills, Junior, and Ebenezer Mosely, with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name

Persons incor-
porated.

Powers and privileges.

1808 ch. 65.

Capital stock.

Real estate.

of the Newburyport Hosiery Company, for the purpose of manufacturing stockings, and other hosiery, at Newburyport, in the county of Essex, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed one hundred thousand dollars, and that it may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of twenty thousand dollars. [*Feb. 22, 1825.*]

Chap. 89.

1816 ch. 92.

Authorized to subscribe to bank stock.

AN ACT in addition to an Act, entitled "An Act to incorporate the Provident Institution for Savings in the town of Boston."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That to the capital stock of any bank hereafter to be incorporated in the city of Boston, or to the increased and additional capital stock of any bank already incorporated in said city of Boston hereafter to be authorized; the said provident institution for savings in the town of Boston shall be, and hereby is authorized and empowered to subscribe, by its treasurer, for any portion of said newly incorporated or increased and additional stock, not exceeding one twentieth part, at the pleasure of said provident institution for savings in the town of Boston, on any day before the time when the first instalment of said newly incorporated or increased and additional stock may be called for by the said several banks respectively; and shall and may pay for said portion of said stock so subscribed for, at the par value, in the same manner as any other stockholder. [*Feb. 22, 1825.*] Add. acts, 1830 ch. 77 : 1833 ch. 57.

Chap. 90.

Agreement confirmed.

Boundary lines described.

AN ACT relative to the boundary lines of the city of Boston and the town of Brookline.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the agreement made by and between the mayor and aldermen of the city of Boston, for and in behalf of said city; and the selectmen of the town of Brookline, in behalf of said town, relative to the boundary lines between the said city and town, be, and the same hereby is ratified and confirmed, and that henceforth the boundary lines between the said city and town shall be as follows, viz.: beginning at a point marked (a) on a plan drawn by S. P. Fuller, eleven hundred and twenty three feet distant westerly from the westerly side of the filling sluices of the Boston and Roxbury mill dam;—thence running northwesterly from the said point (a) at an angle of one hundred and fifteen degrees from the mill dam, until it strikes the centre of the channel of Charles river; and also running from the said point (a) southerly, at an angle of one hundred and three degrees

forty minutes, until it strikes the centre of the channel of Muddy river, at a point where the respective boundaries of Boston, Brookline and Roxbury meet each other.

SECT. 2. *Be it further enacted*, That the boundary lines between the counties respectively of Suffolk and Norfolk, so far as they are affected by this act, shall hereafter conform to the said boundary lines between the said city and town, and the same are declared and established to be the boundary lines between the said counties respectively, any thing in any former act to the contrary notwithstanding: *provided, however*, that the several laws regulating the erection of buildings within the city of Boston, shall not extend to the land hereby transferred from said town of Brookline to the said city. [*Feb. 22, 1825.*] Add. act, 1825 ch. 128.

County lines altered.

Proviso.

AN ACT to incorporate the First Universalist Society in Taunton.

Chap. 92.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alfred Baylies, Miles Stoddard, William W. Crossman, Charles Foster, John Smith, Isaac Babbitt, Samuel Caswell, Junior, Leonard Crossman, William N. Spinney, James Thurber, John Baylies, Alexander Black, Caleb B. Porter, Walter H. Atwood, Daniel Trask, Abisha L. Eddy, Caleb Churchill, Marston Churchill, Joseph Hood, William Presbury, third, Luther Chase and Nathan King, Junior, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of the First Universalist Society in Taunton, in the county of Bristol, with all the powers, privileges, rights and immunities to which parishes and other religious societies are entitled by the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That any justice of the peace for the county of Bristol, upon application therefor, is hereby authorized to issue his warrant, directed to some member of the said First Universalist Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their annual meetings. [*Feb. 22, 1825.*]

First meeting.

AN ACT to incorporate the Second Baptist Society in Boston.

Chap. 93.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Badger, Jacob Hiler, Heman Lincoln, Benjamin Shurtleff, Thomas Edmans, and Robert Fennelly, with their associates and successors, be, and they are hereby incorporated by the name of the Second Baptist Society in Boston, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth, and the aforesaid Thomas Badger and Jacob Hiler, or either of them, are hereby authorized to call the first meeting of said society by giving due notice thereof. [*Feb. 22, 1825.*]

Persons incorporated.

Powers and privileges.

First meeting.

Chap. 94. An ACT for the preservation and regulation of the Fishery in the towns of Edgarton, Chilmark and Tisbury.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of March next, it shall not be lawful for any person living without the jurisdiction of this Commonwealth, to take any lobsters, tautog, bass, or other fish, within the harbors, inlets, coves or waters of the towns of Edgarton, Chilmark and Tisbury, for the purpose of carrying them away from said waters, in smacks or vessels owned within this Commonwealth over fifteen tons; and any and every person, offending against the provisions of this act, shall forfeit and pay the sum of ten dollars for every offence, and also forfeit all the fish and lobsters so taken.

Taking of fish
in certain cases
prohibited.

Penalty.

Extent of prohi-
bition.

Appropriation
of fines.

SECT. 2. *Be it further enacted,* That the waters and shores of the said towns of Edgarton, Chilmark and Tisbury, shall be considered and taken by this act to extend from the whole county of Dukes to all the waters and rocks lying within one mile of the said county.

SECT. 3. *Be it further enacted,* That all fines and forfeitures which may be incurred for offences against this act, shall be one half to him or them, who may first sue for the same, and the other half to the use of the town to which the complainant belongs; and the said fines and forfeitures may be recovered, with legal costs of suit, by action of debt or information, before any justice of the peace for the county of Dukes; and any person or persons aggrieved at the sentence of the justice of the peace, given in pursuance of this act, may appeal therefrom to the next court of common pleas, to be holden in the county in which judgment may be rendered. [Feb. 22, 1825.]

Chap. 95. An ACT to incorporate the Institution for Savings in Roxbury and its vicinity.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Dorr, Charles Davis, Jonathan Dorr, Isaac Davis, John Lemist, Enoch Bartlett, Eliphalet Porter, John Bartlett, Samuel J. Gardner, Joseph Curtis, Ralph Haskins, Samuel Guild, Samuel Dogget, John Prince, David S. Greenough, Ebenezer Crafts, Stedman Williams, Benjamin Weld, William H. Spooner, Benjamin Billings and Jonathan Richards, be, and they hereby are incorporated into a society, by the name, style and title of the Institution for Savings in Roxbury and its vicinity, and that they, and such others as may be duly elected members of the said corporation, as is in this act provided, shall be and remain a body politic and corporate, by the same name forever.

May receive
and use depos-
its.

SECT. 2. *Be it further enacted,* That the said society and corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions herein mentioned and provided; and all such deposits of money, re-

ceived by the said society, shall be used and improved to the best advantage of the owners thereof; and the net income or profit thereof shall be, by the said society, applied and divided among the persons making the deposits, their executors, administrators, or assigns, in just proportion to each depositor; and the principal of such deposits may be withdrawn at such time and in such manner as the said society shall direct and appoint. And the said corporation may, at their first meeting, and at their annual meetings in December, have power to elect, by ballot, additional members of the said society.

SECT. 3. *Be it further enacted*, That the said corporation may have a common seal, which they may change and renew at their pleasure; and that all deeds, conveyances, and grants, covenants and agreements, made by their treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid; and the said corporation shall at all times have power to sue and be sued, and may defend, and shall be held to answer by the name aforesaid.

May have a seal, and make conveyances.

SECT. 4. *Be it further enacted*, That the said society shall hereafter meet at Roxbury, at such time in the month of December annually, and at such other times as the society or the president thereof may direct, and any seven members of the said corporation (the president, a vice president, treasurer, or secretary, being one) shall be a quorum; and the said society, at their meeting in December annually, shall have power to elect a president, and all such other officers as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others are chosen in their stead; and the secretary and treasurer so chosen, shall be under oath to the faithful performance of the duties of their offices respectively; and they shall also have the power of making by-laws, for the more orderly management of the business of the corporation: *provided*, such by-laws are not contrary to the constitution and laws of this Commonwealth.

Annual meeting for the election of officers.

By-laws.

SECT. 5. *Be it further enacted*, That any three of the persons named in this act are hereby empowered, by public notification in two newspapers printed in Boston, to call and notify the first meeting of the said society, at such time and place as they may judge proper. [Feb. 22, 1825.]

First meeting.

An Act to establish the Easton Lead and Silver Mining and Manufacturing Company.

Chap. 96.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonathan Leonard and Rhodolpho Leonard, together with such others as may hereafter associate with them, and their successors or assigns, be, and they are hereby made a corporation, by the name of the Easton Lead and Silver Mining and Manufacturing Company, for the purpose of mining for lead and silver, and of manufacturing the same, in the town of Easton, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and

Persons incorporated.

Powers and privileges.

1808 ch. 65.

contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Estate, real and personal.

SECT. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of thirty thousand dollars, as may be necessary and convenient for the purpose of carrying on the business aforesaid. [*Feb. 22, 1825.*]

Chap. 97.

An ACT to incorporate the Proprietors of the Meadows eastward of the causeway leading to Farm Neck.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the owners of the meadows, lying easterly, and above the causeway leading to Farm Neck, and westerly and below the great pond in the town of Scituate, county of Plymouth, be, and they hereby are incorporated by the name of the Proprietors of the Farm Neck Marshes, and by that name may sue and be sued, and do and suffer all such acts and things as like bodies corporate, may and ought to do and suffer. And the said proprietors shall have power, from time to time, to appoint a clerk, assessors, collector, and all other officers necessary for the conducting of their concerns, who shall be severally sworn to the faithful discharge of their respective trusts, and the said corporation, at any legal meeting called for that purpose, shall have power to raise monies for the purpose of erecting, repairing, and maintaining gates and dams, or to carry into effect any other measure for the draining of said meadows, which a majority of said proprietors, at any legal meeting, may deem expedient. And all monies so raised, shall be assessed on the several proprietors according to the number of acres of said meadows, he or she may own. And at meetings of said proprietors, each proprietor present shall be entitled to as many votes as he or she owns acres of said meadows; if any proprietor present shall so require the votes to be taken. And at the first meeting of said corporation, they shall determine the manner of calling their future meetings.

Power to appoint necessary officers,

—and to raise monies.

First meeting.

SECT. 2. *Be it further enacted*, That any justice of the peace in the county of Plymouth be, and he is hereby empowered and directed, upon application in writing of any three or more of said proprietors, to issue his warrant to one of the applicants aforesaid, requiring him to notify and warn a meeting of said proprietors, at such time and place as he shall think most convenient, a copy of which shall be posted up at two or more public places in the town of Scituate, seven days at least before the time of holding said meeting. And if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after thirty days notice, so much of his or her meadow land shall be sold at public vendue, as will be sufficient to pay the same, with legal costs, after posting up notice of the

Sale of delinquents' lands.

time and place of sale at two or more public places in the town of Scituate, thirty days at least before the time of sale. [Feb. 22, 1825.]

AN ACT to incorporate the Trinitarian Congregational Society in Taunton.

Chap. 99.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Godfrey, Nathaniel Williams, Jesaniah Sumner, Job King, John Hodges, James Walker, Samuel Dunbar, Jesse Smith, Silas Shepard, Samuel Staples, William Reed, Silas Leonard, Job King, Junior, George Leonard, Charles Godfrey, Oliver Soper, George Godfrey, Samuel Godfrey, Simeon Tisdale, Zephaniah L. Hodges, Philander W. Dean, Richmond Walker, John Williams, Susanna Hall, Mary B. Bush, Betsy Allen, Nancy Littlefield, William Allen West, Christopher C. Dean, John W. Seabury, Junior, Peleg Seabury, William Dean, David Reed, Jonathan Reed, Roswell Ballard, and Samuel B. Staples, with such others as may associate with them, and their successors be, and they hereby are incorporated into a society, by the name of the Trinitarian Congregational Society in Taunton, with power to purchase, take and hold any estate, real, personal or mixed, for the support of the ministry and the suitable maintenance of the public worship of Almighty God, in said Taunton: *provided*, the same shall not exceed in value the sum of thirty thousand dollars.

Persons incorporated.

Estate, real and personal.

SECT. 2. *Be it further enacted*, That said society shall have power annually to choose seven trustees to manage, under the direction of said corporation, the funds and other property thereof, and also such other officers as may be necessary to conduct and transact the business of said society, and to make such rules and by-laws regulating the times and places of holding, and the manner of notifying its meetings, and also such other rules and regulations, not repugnant to the constitution and laws of this Commonwealth, as may be found necessary for the convenient transaction of the business of said society.

May choose trustees annually.

Rules and by-laws.

SECT. 3. *Be it further enacted*, That John Godfrey, Nathaniel Williams, John W. Seabury, Samuel Staples, William Reed, Silas Shepard, and James Walker, be, and they hereby are created a body politic and corporate, by the name of the Trustees of the Trinitarian Congregational Society in Taunton, and that they and their successors, to be chosen as before in this act provided, shall so continue forever; and by that name may sue and be sued in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, and may hold in trust for said Trinitarian Congregational Society, and manage, under its direction, such funds and other property as said society may acquire and place in their hands and possession, and may have a common seal, and alter the same at pleasure, and make such rules and regulations, not inconsistent with the constitution and laws of this Commonwealth, as may be necessary to promote the object of their appointment.

Trustees appointed,

— their powers.

First meeting.

SECT. 4. *Be it further enacted*, That the first meeting of said society shall be convened by a warrant to be issued by any justice of the peace in the county of Bristol, directed to any member of said society, requiring him to notify the members of said society to meet at a suitable time and place to be appointed in said warrant. [*Feb. 24, 1825.*]

Chap 100.

An ACT to change the names of the several persons therein mentioned.

Names
changed.

Suffolk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several persons herein named shall hereafter be known and called by the names they are hereby respectively allowed to assume, viz : that Samuel Baker Palmer, mariner, may take the name of Samuel Baker ; that Phineas Sargent Denny, may take the name of Thomas Denny ; that Edward Edes Eayres, a minor, may take the name of Edward Edes Eayres Gardner ; that William Holbrook, may take the name of William Reed Holbrook ; that Noah Langley, trader, may take the name of Nathan Lang ; that Jacob Noyes, may take the name of Jacob Wyatt Noyes ; that Salome Noyes, may take the name of Salome Hooper Noyes ; that Charles Parker, a minor, may take the name of Charles Hamilton Parker ; that Asa Raymond, Junior, may take the name of Edward Asa Raymond ; that Catharine Russell, may take the name of Catharine Graves Russell ; that Philander Shaw, Junior, may take the name of Joseph Philander Shaw ; that David Weld, may take the name of Aaron Davis Weld ; that William Frickey, may take the name of William Tracy ; that John George Booth, may take the name of George Frederick Noble ; all of Boston, in the county of Suffolk ; that James Brown, 3d, mariner, of Salem, may take the name of William James Brown ; that Ruth Ward Bott, a minor, may take the name of Ruth Susan Safford Bott ; that Betsey Frye, of Salem, a single woman, may take the name of Martha Elizabeth Gray ; that Bracket Furbush, of Salem, may take the name of Bracket Lord ; that Mary Parrott, of Gloucester, may take the name of Mary Georgianna Parrott ; that Calvin Colman, a minor, of Rowley, may take the name of William Colman Searle ; that Samuel Miller Searle, a minor, of Rowley, may take the name of Thomas Samuel Searle ; that Joseph Vincent, the fourth, of Salem, may take the name of Joseph Clarkson Vincent ; that Hiram McGlathlen, of Salem, may take the name of Hiram West, all of the county of Essex ; that Nathaniel Brown, of Charlestown, may take the name of Nathaniel Brown Winship ; that Charles Chase Gordon, of said Charlestown, may take the name of Robert Gordon ; that Isaiah King, Junior, of Framingham, may take the name of Isaiah Francis King ; that Elizabeth Townsend, of Waltham, may take the name of Mary Elizabeth Townsend ; that John Prince Seaver, a minor, of Newton, may take the name of John Seaver ; that James Warren, a minor, of Brighton, may take the name of James Lloyd La Fayette Warren, all of the county of Middlesex ; that Samuel Arnold, of

Essex.

Middlesex.

Norfolk.

Braintree, may take the name of John Boss Arnold, that Ebenezer Perry Chase, of Bellingham, may take the name of Ebenezer Chase; that James Ward, of Roxbury, may take the name of James Otis Ward; that Noah Worcester, of Brookline, may take the name of Henry Aiken Worcester, all of the county of Norfolk; that David Ryder, of Dartmouth, in the county of Bristol, may take the name of David Cummings Ryder; that Thomas Allen, of New-Bedford, in said county, may take the name of Thomas Munroe Allen; that William Fessenden, 3d, of Sandwich, in the county of Barnstable, may take the name of William H. Fessenden; that Comfort Haven, a minor, of Bolton, may take the name of Clymena Matilda Haven; that Mary Aikin Paige, of Hardwick, may take the name of Mary Ann Aikin Paige; that Harriet Phelps, of Hubbardston, may take the name of Mary Harriet Phelps, all of the county of Worcester; that Augusta Demond, of Ware, may take the name of Mary Augusta Demond; that Reuben Field, of Williamsburg, may take the name of Luther Franklin Sanderson; that Henry Strong of Northampton, may take the name of William Augustus Strong, all of the county of Hampshire; that Payson Kendall, of Boston, in the county of Suffolk, may take the name of Henry Payson Kendall; that Mary Warren, of Lincoln, in the county of Middlesex, may take the name of Mary Fassit; that Caroline Emery, of Newburyport, in the county of Essex, may take the name of Caroline Smith Emery; and the several persons herein named, shall hereafter be called and known by the names which by this act they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names. [*Feb. 24, 1825.*]

AN ACT to regulate the Fishery in Ipswich River, within the town of Ipswich.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall be lawful for the inhabitants of the town of Ipswich to sell and dispose of the right of taking the fish called shad and alewives, with seines or drag nets in Ipswich river, within the limits of said town, one day in each week, according to the provisions of an act concerning said fishery, passed on the twenty-third* day of February, in the year of our Lord one thousand eight hundred and eleven, at such place, as the fish committee of said town shall direct, the proceeds of such sale to be applied according to the directions of said town, at their annual meetings.

SECT. 2. *Be it further enacted,* That any person, other than the purchaser or purchasers of the aforesaid right, or those employed by them, who shall take any of said fish in Ipswich river, within said town, with seines or drag nets, shall forfeit and pay a sum not less than ten dollars, and not exceeding twenty dollars, for each offence, to be recovered by an action of debt in any court proper to try the same, one half thereof to the use of the said town of Ipswich, and the other half to him or them who shall sue for the same. [*Feb. 24, 1825.*]

Chap 101.

Ipswich may sell the right of taking fish.

* The act referred to is probably the one dated 23th Feb. 1811. 1810 ch. 117.]

Penalty for taking fish contrary to the provisions of this act.

Chap 103.

AN ACT to incorporate the Proprietors of the City Hotel in Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Josiah Bradlee, Daniel P. Parker, Thomas B. Wales, John F. Loring, Cornelius Coolidge, William Lawrence, Abbott Lawrence, Henry Rice, William H. Boardman, Nehemiah Parsons, Lemuel Pope, Junior, Josiah Marshall, James Freeman, William Dehon, Nathaniel P. Russell, Charles Bradbury, Samuel Fales, Benjamin Willis, Jesse Putnam, Joseph Balsh, Titus Welles, Ebenezer Chadwick, Henry Hall, Samuel H. Foster, Tasker H. Swett, Elijah Loring, Samuel Billings, Samuel A. Wells, George Hallet, Jeremiah Fitch, Joseph Tilden, John Williams, John Dorr, Thomas K. Jones, George W. Pratt, Ignatius Sargent, George A. Goddard, Samuel C. Gray, Ebenezer Rollins, and John D. Williams, their associates, successors, and assigns, be, and they hereby are made and constituted a body politic and corporate, by the name of "The Proprietors of the City Hotel in Boston," for the term of twenty years, and no longer, and by that name are made capable in law to sue and be sued, to plead and to be impleaded, to have a common seal, and the same to alter and renew at pleasure, and generally to do and perform all acts incident to corporations, according to the laws of this Commonwealth, and the provisions, limitations and restrictions in this act contained.

SECT. 2. *Be it further enacted,* That the said corporation hereby created, is hereby enabled and empowered to purchase and to hold, as corporate property, any pieces of land, or parcels of land, adjoining each other within the city of Boston, and thereon to erect a building or buildings, to be used and improved as a public hotel, and such halls and other edifices for public use and accommodation, as the said corporation may deem to be beneficial and expedient: *provided, always,* that the land and buildings and appurtenances so had and held by said corporation, shall never exceed in value the sum of five hundred thousand dollars: *provided, also,* that all the books of said corporation shall be open to all persons having claims and demands on the said corporation, and who shall have actually instituted a suit against them: *provided, also,* that said corporation shall be authorized and empowered to purchase and hold, as corporate property, such pieces or parcels of land, not adjoining each other, as may be deemed necessary for the erection of such stables, bath houses, or other offices, as shall be required for the use of said city hotel.

SECT. 3. *Be it further enacted,* That it shall be lawful for the said corporation to divide their corporate property into a number of shares, not exceeding five thousand, of the value of one hundred dollars each.

SECT. 4. *Be it further enacted,* That the shares in said corporation shall be personal estate, and that the evidence of proprietorship in shares, shall be a certificate signed by the president and countersigned by the secretary, and bearing the common seal of the corporation, and shall be assignable by endorsement under

Persons incor-
porated.

Powers and
privileges.

Real estate.

Provisos.

Number of
shares.

Assignment of
shares.

the hand and seal of the proprietor, to whom the same shall have been issued, and the title to any share or shares shall be vested in any assignee thereof, when the assigned certificate shall be surrendered, and a new certificate shall have been issued in manner aforesaid to the assignee.

SECT. 5. *Be it further enacted*, That the said proprietors, at their first or any subsequent meeting, may choose such a number of directors as they shall think proper, and a secretary, treasurer, and any other officer or officers, as said proprietors may think best; that from their own number the directors shall choose a president; and all officers of said corporation shall be annually elected, unless said proprietors shall otherwise order. Such annual elections shall be held in the city of Boston, on such day in the month of January, and at such place, as said proprietors may order; that public notice shall be given of the time and place of holding such annual elections, by advertisement in two or more of the newspapers printed in Boston, ten days at least before the time therefor appointed.

Choice of directors and other officers.

SECT. 6. *Be it further enacted*, That in the election of officers, and in all other voting in the affairs of said corporation, at any and all meetings of proprietors, each proprietor shall be entitled to as many votes as he shall have shares: *provided*, that no one proprietor shall have more than thirty votes; absent proprietors may authorize any proprietor to appear and vote in their behalf, such authority appearing by writing filed with the recording officer of the meeting.

Right to vote.

SECT. 7. *Be it further enacted*, That said corporation shall have power to assess on the several members thereof, from time to time, such sums of money as may be deemed necessary to effect the objects of the corporation, not exceeding one hundred dollars in the whole on each share, and may order at what time and to whom the sums assessed shall be paid. *Provided, always*, that two thirds in number and value of the proprietors present at the meeting in which any assessment shall be voted, shall concur therein: *and provided, also*, that no assessment shall be made unless public notice shall be given of the time, place and purpose of meeting, by advertisement in two or more of the newspapers printed in Boston, ten days at least before the time therefor appointed.

Assessments.

Provisos.

SECT. 8. *Be it further enacted*, That after an assessment shall have been laid on the shares of this corporation, no assignee of any share shall be entitled to a certificate in his own name, until he shall have paid all assessments due on the share or shares by him claimed, and the said corporation shall have power, by such rules and regulations as it may establish, to sell at public auction, and issue a new certificate to the purchaser of any share or shares whereon any assessment shall be due and unpaid, notwithstanding any assignment thereof by the delinquent proprietor.

Shares of delinquent proprietors may be sold.

SECT. 9. *Be it further enacted*, That the said corporation is hereby authorized and empowered to exchange any part of the land purchased by them for any other land contiguous thereto, if

Authorized to exchange, or sell real estate.

in the execution of the design of the corporation, such exchange shall be manifestly expedient for such purpose : *provided*, that if in the purchase of any estates contiguous to each other, said corporation shall become possessed of more real estate than shall be necessary for the purposes of said incorporation, the said corporation shall be authorized and empowered to sell, alien and convey any such surplus real estate.

Shares of proprietors liable to attachment.

SECT. 10. *Be it further enacted*, That the shares of proprietors in this corporation shall be liable to be attached on mesne process, and taken and sold on execution to satisfy judgments recovered against any proprietor or proprietors, as by law is provided in similar cases.

First meeting.

SECT. 11. *Be it further enacted*, That the said Bradlee and his associates, or any three of them, shall have authority to call the first meeting of the said corporation, by advertising in any of the public newspapers printed in the city of Boston, ten days at least before the time of meeting.

Real estate to vest in members of the corporation at the expiration of the charter.

SECT. 12. *Be it further enacted*, That, at the expiration of the term of twenty years all real estate then belonging to the said corporation shall be vested in such persons as may then be members thereof, and their respective heirs and assigns, as tenants in common, in proportion, and according to the number of shares which they may then hold. [Feb. 24, 1825.] Add. act, 1824 ch. 131.

[12 § repealed 1824 ch. 131.]

Chap 104.

An Act to incorporate the Trustees of the Theatrical Benevolent Fund in the city of Boston.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*. That James A. Dickson, Thomas Kilner, John Worrall, Charles Young, and Henry J. Finn, all inhabitants of Boston, together with such persons as shall hereafter associate with them, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Theatrical Benevolent Fund, and by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, may have a common seal, and shall possess and enjoy such other powers and privileges as are incident to corporations of a like nature.

[Repealed 1830 ch. 133.]

Powers and privileges.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to take and receive into their hands and possession all such sums of money as shall be paid or received by donation, subscription, or otherwise, towards the support and maintenance of poor, infirm, and distressed persons attached to the Boston theatre, or subscribers to said fund, from, or attached to other regularly established theatres in the United States, or of their widows and orphans, so that the whole amount of real estate to be held by said corporation shall not exceed the sum of twenty thousand dollars, and the personal estate shall not exceed the sum of ten thousand dollars.

Limitation of estate.

SECT. 3. *Be it further enacted*, That the interest accruing from said fund shall always be appropriated to the relief of poor and distressed actors, as above, and to their widows and orphans, and to no other purpose ; and it shall not be lawful for said trustees to appropriate any part of the principal of said fund, and they shall use their endeavors to preserve the same entire and unimpaired.

Appropriation of interest of fund.

Trustees may fill vacancies in their board.

SECT. 4. *Be it further enacted*, That the said trustees shall have power, and it shall be their duty to fill up all vacancies which may happen in their board by reason of death, resignation, or otherwise, and the number of said trustees shall never be increased beyond seven, or reduced below three.

Corporation may appoint officers.

SECT. 5. *Be it further enacted*, That the said corporation shall appoint a president and a secretary, also a treasurer, who shall give bond to the trustees and their successors, with sufficient surety or sureties, conditioned to perform faithfully the duties incumbent on him as treasurer ; which officers shall hold their respective offices until others shall be elected in their stead by the trustees of said fund.

First meeting.

SECT. 6. *Be it further enacted*, That James A. Dickson, Esquire, be authorized to call the first meeting of the trustees of said fund, for organizing the board, for establishing all necessary rules and by-laws, for determining the time and manner of holding future meetings, for the election of officers, and for transacting any other business which may be deemed necessary. [Feb. 24, 1825.] Repealed 1830 ch. 138.

Chap 105.

An Act in addition to an Act, entitled "An Act to incorporate the Trustees of the Methodist Religious Society in South Boston."

1824 ch. 70.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Trustees of the Methodist Religious Society

in South Boston, may have and hold any personal or real estate in South Boston, not exceeding the value of fifty thousand dollars, for the benefit and in the behalf of the methodist religious society in South Boston, and the same manage and improve, or sell and convey, as the case may require, subject however to such rules and regulations as may be prescribed and adopted by a majority of the male members of said methodist religious society, at any annual meeting thereof.

SECT. 2. *Be it further enacted*, That the second section of the bill to which this is in addition, be, and the same is hereby repealed. [Feb. 24, 1825]

An Act in addition to an Act, entitled "An Act to prevent the destruction and to regulate the catching of the fish called Alewives, in their passage up the rivers and streams in the town of Harwich, in the county of Barnstable."

Chap 107.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person or persons to catch, by seining thereof, any of the fish called alewives, within one mile of the river called Herring river, in the town of Harwich aforesaid.

1787 ch. 10.
(v. 1. p. 166.)

Alewives not to be taken with seines.

SECT. 2. *Be it further enacted*, That if any person or persons shall violate the provisions of this act, each person so offending, for each and every such offence, shall, on conviction thereof, pay a fine not exceeding three dollars, nor less than one dollar, if the quantity of fish is less than one barrel; but if the quantity shall be one barrel or more, such person or persons so offending shall forfeit and pay for each and every barrel of fish so taken, the sum of three dollars.

Penalties.

SECT. 3. *Be it further enacted*, That any penalties, incurred by any breach of this act, shall be recovered and appropriated in the manner prescribed by the act to which this is in addition, for the recovery and appropriation of the penalties incurred under the provisions of that act. [Feb. 24, 1825.]

Penalties, how recoverable.

An Act to authorize Josiah Robbins to erect and maintain certain Tide Gates in the town of Plymouth

Chap 108.

WHEREAS Josiah Robbins, of Plymouth, has heretofore used the causeway on each side of the town brook, near where it meets the tide waters in said town, and erected gates across said brook, adjacent to said causeway, for the purpose of raising a pond for the successful operation of a cordage manufactory. And whereas said Robbins has petitioned this court for leave to continue his gates for the purposes aforesaid.

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That said Josiah Robbins, his heirs and assigns, proprietors of said cordage manufactory, be, and they hereby are authorized and empowered to keep up and maintain a gate or gates across the said town brook, and connected with said causeway, for the purpose of stopping the water for the operation of a cordage manufactory.

J. Robbins authorized to maintain tide gates.

SECT. 2. *Be it further enacted*, That any person sustaining

Remedy for damages.

C. C. P. shall appoint committee to estimate damages.

Provisos.

Parties may have a trial by jury.

Manner of assessing damages.

any damage in consequence of the erection of said gates, or the stoppage of said water as aforesaid, unless the same shall be adjusted by mutual agreement of the parties, may apply, if within two years from the passage of this act, to the court of common pleas, holden within and for the county of Plymouth, for a committee to be appointed to estimate said damage, and upon such application, the said court, after fourteen days notice to said Robbins, his heirs or assigns, proprietors of said cordage manufactory, to appear and shew cause why such committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three disinterested freeholders within the same county, at the expense of said Robbins, his heirs or assigns as aforesaid, which committee being first duly sworn before some justice of the peace, and giving due notice to both parties to appear, if they see fit, for a hearing before them, shall proceed to the duties of their appointment, and they shall first inquire whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same, and shall make return of their doings as soon as may be into the said court, and upon the acceptance of said report, judgment may be given thereon, with reasonable costs to the party prevailing, and execution issued accordingly : *provided, however*, that nothing in this act contained shall be deemed to affect any law or laws now in force, or which may hereafter be made, relating to the fisheries in said town brook, nor to the right or rights of any person or corporation in relation to said fisheries : *provided, also*, that nothing herein contained shall be deemed and taken to annul or impair any obligation or agreement heretofore made by said Robbins with any other person, in relation to damages occasioned by the use of said causeway and gates for the purposes aforesaid.

SECT. 3. *Be it further enacted*, That if either party shall be dissatisfied with said award, it shall be lawful for such party to apply to the said court of common pleas, at the term thereof at which such award shall be made, for a trial by jury at the bar of said court, and thereupon the court shall at that or any succeeding term of said court, as may be convenient, empanel a jury to hear and determine in said court all questions relating to said damages, and to assess the amount thereof, and the verdict of such jury shall be final and conclusive upon the parties ; and if the party applying for a jury shall not obtain, in case it shall be the original plaintiff or applicant, an increase of damages, or in case it be the original defendant, a decrease of damages, awarded by the committee as aforesaid, such party shall pay reasonable costs of such trial, otherwise shall recover reasonable costs, and upon any judgment rendered on the verdict of such jury, the court may issue execution accordingly. And if the damages awarded in either of the modes aforesaid shall not be duly satisfied, paid, or tendered, within one year from the rendition of such judgment, then the grant herein made shall be deemed and taken to be of no avail ; and the said committee, or the said jury, shall not assess or allow annual damages to any person complain-

ing as aforesaid, but are hereby required to ascertain and allow the whole amount of damage which may be sustained by any complainant, as well for the time to come as for that which is passed. [*Feb. 24, 1825.*]

An Act to incorporate certain persons for the purpose of building a bridge over Merrimack river, in the county of Middlesex, between the towns of Dracut and Chelmsford.

Chap 110.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Bradley, Ezekiel Cheever, Abijah Fox, Ezekiel Fox, Peter Heaselton, together with such others as may hereafter associate with them, their successors and assigns, shall be a corporation by the name of the Central Bridge Corporation, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer. And said corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter, and renew at pleasure.

Persons incorporated.

Corporate name.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the said corporation shall be, and they are hereby authorized to erect a bridge over Merrimack river, at Bradley's ferry, (so called) between the towns of Dracut and Chelmsford, and said bridge shall be well built of good materials, not less than twenty-eight feet wide, and well covered with plank or timber, and shall always keep one side-walk, with sufficient rails, and shall be boarded up eighteen inches high from the floor of said bridge, for the safety of passengers, and said bridge shall at all times be kept in good, safe, and passable repair, and when said bridge is built, the clerk of the proprietors thereof shall make a return into the office of the secretary of the Commonwealth, of the actual expense of the building the same, and at the expiration of eighteen years, the said clerk shall make a return to the said secretary's office, stating the amount of the receipts, expenditures and dividends during the said term of time: *provided, however,* that the said corporation shall be responsible for, and holden to indemnify any person or persons, or corporation, whose mills, property or estate shall suffer damage from any obstruction to the natural course of the water, caused by the building or continuance of such bridge, other than to the navigation of said river, in a special action of the case, or otherwise, so often as any damage shall happen therefrom.

Authorized to build a bridge.

Clerk to make returns to secretary's office.

Corporation responsible for damages.

SECT. 3. *Be it further enacted,* That, for the purpose of remunerating the said proprietors the money by them to be expended in building and supporting said bridge, a toll be and hereby is granted for the sole use and benefit of said proprietors, equal to that now allowed by law to the proprietors of the Middlesex Merrimack River Bridge at Patucket falls, which toll shall commence on opening said bridge for passengers and be continued for the term of seventy years: *provided, nevertheless,* that the Legislature shall have the right, at the expiration of eighteen years, to regulate anew the tolls to be received by said proprie-

Toll granted.

1795 ch. 60.

(v. 2. p. 66.)

1804 ch 114.

(v. 3. p. 549.)

Provisos.

tors : *and provided, also*, that whenever the receipts of toll and income shall have amounted to a sum equal to the expense of building, repairing and sustaining said bridge, with nine per cent. on the first cost, said bridge shall revert to the Commonwealth for public use : or whenever the inhabitants of the towns of Dracut and Chelmsford, shall remunerate said proprietors for the expenses of said bridge (deducting what may have been received for toll) the same may be opened free of toll.

Right to vote.

SECT. 4. *Be it further enacted*, That every proprietor in the said bridge, or his agent duly authorized in writing, shall have a right to vote in all meetings of the said corporation, and be entitled to as many votes as he has shares in the same : *provided, however*, that no proprietor shall be entitled to more than ten votes.

First meeting.

SECT. 5. *Be it further enacted*, That Joseph Bradley be, and hereby is authorized and directed to notify and warn a meeting of said corporation to be holden some time in the month of March or April next, at such time and place as he may appoint, by publishing a notice thereof in the Chelmsford Courier, two weeks before said meeting, for the purpose of choosing a clerk, who shall be sworn to the faithful discharge of his trust ; and shall also agree on a method of calling future meetings, and at the same, or some subsequent meeting, may elect such officers, and

By-laws.

make and establish such rules and by-laws, as shall seem necessary and convenient for the regulation and government of said corporation, and the same rules and by-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding five dollars : *provided*, the said by-laws be not repugnant to the constitution and laws of this Commonwealth.

Rates of toll
to be written on
a sign-board.

SECT. 6. *Be it further enacted*, That the rates of toll on said bridge shall be written on a sign board in large letters, and such sign board shall be constantly exposed to view over such toll house as may be erected, but no toll shall be demanded from any person or persons passing said bridge on military duty, and at all times, when the toll gatherer shall not be attending his duty, the gate shall be left open for the passage of said bridge free of toll.

Condition of
this act.

SECT. 7. *Be it further enacted*, That if the said corporation shall neglect to erect said bridge for the term of three years, then this act shall be null and void. [*Feb. 24, 1825.*] Add. acts, 1832 ch. 117 : 1833 ch. 218.

Chap 111.

1802 ch. 106.
(v. 3. p. 151.)
1803 ch. 115.
(v. 3. p. 373.)
1822 ch. 96.

Authorized to
hold additional
amount of real
estate.

AN ACT in addition to an Act, entitled "An Act to incorporate William Phillips, Junior, and others, into a company by the name of the New-England Marine Insurance Company," and the Acts in addition thereto.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the New-England Marine Insurance Company be, and the said company is hereby authorized to have and to hold real estate (exclusive of mortgages) to the value of one hundred thousand dollars, and lease any portion thereof, not used by them for the transaction of their business, any thing in the acts to which this is in addition to the contrary notwithstanding. [*Feb. 24, 1825.*]

AN ACT to incorporate the Trustees of the North Baptist Ministerial Church Fund in Randolph. *Chap 112.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Micah White, Jonathan Wales, Junior, and Seth Mann, Esquires, all inhabitants of the town of Randolph, and their successors, be, and they hereby are constituted a body politic and corporate by the name of the Trustees of the North Baptist Ministerial Church Fund in Randolph, and by that name may sue and be sued, plead and be impleaded; and may have a common seal, and shall possess and may enjoy all such other powers and privileges as are incident to corporations of like nature.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the said trustees shall have power to take, hold, collect and receive all such subscriptions, donations, grants, bequests, and devises of real or personal property or estate, as have been made to the said North Church, or may hereafter be made to the said Trustees for the said North Church, and the same shall be valid and effectual to all intents and purposes whatever: *provided,* the annual income of such property and estate shall not exceed twelve hundred dollars.

May receive donations.

Proviso.

SECT. 3. *Be it further enacted,* That the said trustees, together with the donors of the funds already raised for the purpose aforesaid, shall, at a meeting to be called for that purpose as herein afterwards provided, adopt such rules and regulations for the management of said funds as they shall deem expedient, and such rules and regulations, when so adopted, shall be forever afterwards unalterable, and binding upon said trustees: *provided,* such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth; and the said trustees and donors shall, at such meeting, prescribe the mode of calling future meetings and organizing the same, and determine the number and duties of such trustees and the manner of supplying vacancies in their number: *provided, however,* that none of said trustees shall be responsible for the acts of the others.

Trustees and donors to adopt rules and regulations.

No trustee responsible for others' acts.

SECT. 4. *Be it further enacted,* That the income of said funds shall be appropriated and expended in compliance with the directions and express intentions of the respective donors. But no part of the principal or capital amount of said funds shall ever be expended by said trustees, except in cases of donations or grants made for the express purpose of having the principal expended.

Appropriation of income.

SECT. 5. *Be it further enacted,* That the said trustees first appointed shall, within three months from the passing of this act, file in the clerk's office of the town of Randolph, a copy of their permanent rules and regulations, attested by their clerk, which copy shall and may be used as evidence in all cases, when the original would be evidence.

Trustees to file a copy of their permanent rules in town clerk's office.

SECT. 6. *Be it further enacted,* That Micah White, Esquire, be, and he hereby is authorized to call the first meeting of said trustees and donors, by posting a notification of the time and

First meeting.

place thereof, at the north meeting-house in Randolph, fourteen days prior to said meeting. [*Feb. 24, 1825.*]

Chap 113. An ACT in addition to an Act, entitled "An Act to establish the town of Seekonk."

1811 ch. 133.

Real estate of
Rehoboth to be
equally divided
with Seekonk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That according to the mutual agreement of the towns of Rehoboth and Seekonk, for an equal division of the real estate owned and possessed by the said town of Rehoboth before the division thereof, all the said real estate shall be equally divided between the said towns, and the said agreement of the said towns be, and hereby is confirmed and made valid, and all the rents, profits, and income of the said real estate now due and unpaid, or which may hereafter become due, shall also be equally divided between the said towns. [*Feb. 24, 1825.*]

Chap 114. An ACT to establish the Weymouth Aqueduct Corporation.

Persons incor-
porated.

Powers.

Estate, real and
personal.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abraham Thayer, Ezra Leach, and Micah Richmond, and such others as may be associated with them, and their successors, and assigns, be, and they hereby are constituted and made a body politic and corporate, by the name of the Weymouth Aqueduct Corporation, for the purpose of maintaining and extending an aqueduct they have already constructed, with all the powers incident to like corporations aggregate.

SECT. 2. *Be it further enacted,* That said corporation may hold and possess real estate, not exceeding two thousand dollars, and personal estate, not exceeding three thousand dollars; and that any justice of the peace, in and for the county of Norfolk, upon the application of said Thayer, or either of his associates aforesaid, may call the first meeting of said corporation. [*Feb. 24, 1825.*]

Chap 115. An ACT establishing a Free Bridge in the city of Boston.

[Repealed
1825 ch. 147.]

City of Boston
authorized to
construct a free
bridge.

Proviso.

No toll ever to
be exacted.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the city government of the city of Boston are hereby authorized and empowered to build and construct, or cause to be built and constructed, a free bridge, with one or more suitable and sufficient draws across the water and over the channel, in or near a direction in a straight line, from or near Sea street, in Boston, to the newly made land at South Boston, and nearly in the direction of the Dorchester turnpike, and to erect a wharf, or pier, on each side of said bridge, near said draws, for the accommodation of vessels passing through said bridge; said bridge and wharves to be built upon such terms and conditions, and under such restrictions and regulations, as to them may appear suitable and proper, and in such manner as to cause no material obstruction to the ebb and flow of the water through and under the same. *Provided, however,* that the said city of Boston shall be held to make compensation to any person or corporation whose land shall be appropriated to the use of said bridge, and also to any person or corporation who may sustain damage by the obstruction of navigation, caused by the erection of said bridge.

SECT. 2. *Be it further enacted,* That no toll or duty shall ever be exacted or paid for any travel over said bridge, or passing the draws of the same, and the said city shall always be held liable to keep said bridge and draws in good repair, and to raise the draw of said bridge, and afford all necessary and proper accommodation to vessels that have occasion to pass the same by night or by day, and shall keep the said bridge sufficiently lighted; and if any vessel is unreasonably delayed or hindered in passing said draw, by the negligence of said city, or of their agents, in discharging the duties enjoined on them by this act, the owners or commander of such vessel shall recover reasonable damages therefor of said city, in an action on the case, before any court proper to try the same, which action shall be commenced, heard and tried in either of the counties of Middlesex or Essex; and if the said city shall not, within three years

from the passing of this act, locate, construct, build and complete said bridge, agreeably to the provisions of this act, then this act shall be void.

SECT. 3. *Be it further enacted*, That any person or corporation sustaining any damage by the building of said bridge, wharves or piers, or from the exercise of any of the rights or powers hereby granted as aforesaid, may apply (if within one year from the time any such damage may have happened) to the court of common pleas within either of the counties of Middlesex or Essex, for a committee to be appointed to estimate the damage; and upon such application, the court, after thirty days notice to said city to appear and shew cause why such committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three or five disinterested freeholders, within the county in which such application shall have been made, at the expense of said city, which committee, being first duly sworn before some justice of the peace, to be nominated by said court, and giving due notice to both parties to appear, if they see fit, for a hearing before them, shall proceed to the duties of their appointment; and they shall first enquire whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same, and where the damage is annual, they shall so declare the same in their report, and shall make return of their doings as soon as may be into the said court, and upon the acceptance of said report, judgment may be given thereon, with reasonable costs to the party prevailing: *provided, however*, that either party, after the return of said report, may claim a trial by jury, and the court shall thereupon stay judgment on said report, and a trial shall be had by jury at the bar of said court; and if the party applying for a jury shall not obtain, in case it be the original applicant, an increase of damages, or in case it be the original respondent, a decrease of the damages awarded by the committee, such party shall pay reasonable costs of such trial by jury, otherwise shall recover reasonable costs; and upon any judgment rendered upon the report of such committee, or the verdict of such jury, the court may issue its execution accordingly, and also from year to year, where the damages awarded are annual, on motion of the party entitled thereto; and an action of debt may be maintained on such judgment; and if upon notice to such city as aforesaid, to shew cause why such committee should not be appointed, said city shall appear and deny the applicant's title to the land damaged, or claim a title to do what is complained of without the payment of damages, or for an agreed composition, the court shall first order a trial of the issue at the bar of said court, or if there be an issue in law, shall try it themselves, and in either case, either party may appeal to the supreme judicial court as in other cases, and a certificate of the determination of the supreme judicial court on such appeal, in favor of the original applicant, shall be filed in said court of common pleas, before such committee shall be appointed; and where annual damages are awarded by said committee, or said jury, and judgment had accordingly, each party shall be entitled, after two years, to apply to said court of common pleas, for an increase or decrease of said damages, and thereupon the same proceedings shall be had as upon the original application. [Feb. 25, 1825.] See 1825 ch. 147.

Conditions of this act.

Damages to be estimated by a committee.

Parties may claim a trial by jury.

After two years either party may apply for a new estimate of annual damages.

An Act to incorporate the Trustees of the Ministerial Fund in the First Parish in Boxford.

Chap 116.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Charles Peabody, Josiah Kimball and Thomas Perley, Junior, inhabitants of the first parish in Boxford, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund in the First Parish in Boxford, and they and their successors shall be and continue a body politic and corporate, and have perpetual succession for the due and faithful management of said trust. And they are hereby vested with all powers incident to corporations and necessary for that purpose, and subject to the duties and obligations herein after mentioned, and to continue in office until their respective places become vacant by death, removal out of the parish, resignation, or removal from office by the parish, who, at any meeting duly held for that purpose, may, at any time when in their opinion any of the trustees, by reason of age, infirmity, misconduct, or other cause, shall be rendered incapable or unsuitable to discharge the duties of the office, [may] remove such trustee or trustees: *provided*, that two thirds of the voters present and acting in such meeting agree thereto, and all vacancies which may be made by death, resignation or otherwise, shall be

Persons incorporated.

Powers and obligations.

Parish may remove trustees.

— and fill vacancies.

filled by the parish, at meetings held for such purposes, each person to be chosen by ballot, and two thirds of the votes given in at such meeting shall be necessary to a choice.

Power of trustees.

SECT. 2. *Be it further enacted*, That the trustees aforesaid and their successors in office, be, and they hereby are invested with power to demand, recover and receive all the estate, money and obligations which may be derived from the late subscriptions of Thomas Perley and others, amounting to thirty five hundred dollars, as on the records of the parish, towards establishing a permanent fund for the support of the ministry in the said first parish in Boxford, and to hold the same as such for the purposes herein mentioned, and the trustees shall receive and hold all other subscriptions, donations, grants, bequests, devises and appropriations which may hereafter be made for the support of the ministry in said parish, and the same to hold, use and improve in the way and manner which may be prescribed by such future subscriptions, donations, grants, bequests, devises and appropriations.

Permanent fund.

Appropriation of income.

SECT. 3. *Be it further enacted*, That the sums already paid and secured by the subscriptions of various persons shall be held and improved by the trustees, and the income and interest arising thereon shall be received and paid annually by the trustees to the treasurer of the parish, and by him paid over to the Rev. Isaac Briggs, as part of his salary, conformable to the conditions of his settlement in said parish, so long as he shall continue with them in the ministry, and after he shall cease to be their minister, the interest arising on said sums shall be annually paid towards the support of a learned, pious, trinitarian, congregational minister, settled by the said parish, with the concurrence of the first church in Boxford, according to the terms of such subscriptions, and during all vacancies of a minister settled in said parish, in manner aforesaid, the trustees shall apply the interest towards increasing the fund, until thereby, or by other means in addition thereto, the principal stock of said fund shall amount to ten thousand dollars: *provided, however*, that if any part of the principal or interest of the aforesaid subscriptions shall be applied to any other than the purposes for which they shall have been respectively given, then the several sums subscribed and paid in manner aforesaid shall revert to the subscribers severally, in proportion to their several subscriptions, and be recoverable from the trustees or any other person or persons holding the same, by each one of the subscribers, their respective heirs, executors or administrators.

Forfeiture of funds by misapplication.

Duty and responsibility of trustees.

SECT. 4. *Be it further enacted*, That it shall be the duty of the trustees and their successors to use, manage and improve such fund and estate as now is or may hereafter be vested in them, by virtue of this act, with care and vigilance, so as best to answer and promote the design thereof; and they shall be amenable to the parish for negligence and misconduct in the management and disposition thereof. And the inhabitants of the said parish may maintain a special action of the case against the persons of

said trustees, or against any one of them, as the case may be, for such personal negligence or misconduct, for adequate damages. And any and all sums so recovered shall be applied for the benefit of the fund, and paid to the trustees for the time being.

SECT. 5. *Be it further enacted*, That the said trustees may loan the principal of the fund on interest, to be secured by bond or note, with sufficient sureties, at the discretion of the trustees, or by mortgage of real estate within the county of Essex, of double the value of the sum loaned, as collateral security for repayment of the sum loaned, with interest thereon annually, till paid, or they may vest the principal in the public stocks or banks of this Commonwealth; and they may alienate by good and sufficient deed or deeds, any real estate the title whereof shall be vested in them by way of mortgage, execution or by operation of law.

May loan the principal of the fund.

SECT. 6. *Be it further enacted*, That the said trustees shall cause to be recorded in a book to be by them kept, a correct statement of the fund and estate in their hands, wherein shall be particularly designated (so far as practicable) the nature and amount of each original subscription, gift, grant, devise, bequest and appropriation, the period when made, the design thereof, the names of the grantors, devisors or donors, with his or her place of abode, and their additions, with such other facts and circumstances as they shall think useful or proper to distinguish the same and perpetuate the remembrance thereof. And the said trustees shall make report of such statement to the inhabitants of the parish annually, at their meeting in March or April, and the same shall be publicly read, and shall exhibit to the said parish their account with the treasurer, expressing their receipts and payments, with the state of the fund. And the treasurer shall exhibit his account with the said trustees to the parish, at the same meeting. And the said parish, at their discretion, may appoint auditors, not exceeding three in number, to examine said accounts, and the vouchers, and make report to said parish of the state of the fund with the receipts and disbursements.

Trustees to keep records, and report to the parish annually the state of the fund.

Treasurer to exhibit his account to the parish annually.

SECT. 7. *Be it further enacted*, That said trustees shall be entitled to a reasonable compensation, to be annually allowed and paid by said parish, for taking the care and management of said fund and estate, but no part of said fund or estate, or the income thereof, shall ever be appropriated to that purpose.

Compensation allowed to trustees.

SECT. 8. *Be it further enacted*, That the trustees aforesaid be and they hereby are authorized to adopt such by-laws and regulations as they may deem necessary and proper for the management of the aforesaid ministerial fund: *provided*, the same shall not be in any way repugnant to the constitution and laws of this Commonwealth. [*Feb. 25, 1825.*]

By-laws.

An Act in addition to an Act, entitled "An Act to incorporate sundry persons by the name of the Massachusetts Fire Insurance Company," and the several acts in addition thereto

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Massachusetts Fire and Marine Insurance Company be,

Chap 118.

1795 ch. 22.
(v. 4, p. 557.
App.)
1793 ch. 46.
(v. 4, p. 563.
App.)

1805 ch. 47.
1814 ch. 82.

Authorized to
hold increased
amount of real
estate.

and the said company is hereby authorized, to have and to hold real estate, (exclusive of mortgages) to the value of one hundred thousand dollars, and to lease any portion thereof, not used by them for the transaction of their business, any thing in the acts to which this is an addition to the contrary notwithstanding. [*Feb.* 25, 1825.] Add. acts, 1830 ch. 26 : 1835 ch. 21 : 1836 ch. 39.

Chap 122.

An ACT to aid the Bunker Hill Monument Association.

1823 ch. 1.

Stone to be
hammered at
state prison.

Provisos.

Governor au-
thorized to de-
liver cannon to
the association.

Directors may
take land—

— provided
they apply to C.
C. P. for a com-
mittee to ap-
praise the same.

Committee shall
make return.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Bunker Hill Monument Association shall be entitled to have the stone of which their intended monument may be constructed, hammered, and prepared to be used, at the state prison in Charlestown, and the proper officers of the prison are hereby authorized and required to cause the same stone to be hammered and prepared accordingly, and in such form and manner as the directors of said association may request. *Provided,* that the hammering of stone, under the provisions of this section, shall never exceed in value the sum of ten thousand dollars : *and provided, further,* that nothing herein contained shall be so construed as to prevent or retard the fulfilment of any contract for stone work with any other person or persons whatever.

SECT. 2. *Be it further enacted,* That whenever the directors of said association shall apply therefor, the governor and council be, and they hereby are authorized and empowered, to cause to be delivered to said association, the two cannon called the Hancock and Adams, to adorn the intended monument, and to be preserved as the earliest of the reliques of the revolutionary struggle, and to deliver also for the same purpose any two other cannon, used in the revolutionary war, and now belonging to the state, as to the governor and council may seem proper.

SECT. 3. *Be it further enacted,* That the Bunker Hill Monument Association be, and the directors thereof acting for said association hereby are authorized and empowered, to take and to appropriate to the legal uses of said association, any land on Breed's hill in Charlestown, which said directors may find to be necessary in the design of erecting a monument and laying out the surrounding ground in the appropriate manner, not exceeding five acres. *Provided, always,* that the said corporation shall, before the title to said land which shall be so taken, shall vest in said corporation, apply by petition to the court of common pleas in the county of Middlesex, to have a committee of five disinterested freeholders within the same county, appointed to appraise the land which may be so taken for the uses aforesaid, and the said committee shall be commissioned by said court to perform that duty, and shall be duly sworn to the performance thereof, and having notified all persons known to be interested in said land, to appear, at a time and place to be by said committee appointed, shall proceed to appraise the same, and shall make return into said court under their hands and seals of their doings, and shall describe the lands taken by said corporation by metes

and bounds, and the just value thereof in money to each and every individual proprietor thereof, and the return of said committee being accepted by the court, and ordered to be recorded, the said corporation shall be holden to pay unto said court, the full appraised value of the land taken, with all the costs of appraisement, and on making such payment into court, the title to said land shall vest in said corporation. *Provided, always,* that any person or persons, who may be aggrieved by the appraisement of said committee, may move the court that a jury may be empannelled to appraise the value, by their verdict, of the land which may have been taken from such person or persons, and the said court shall proceed to enquire of the said value by the said jury, and it shall be lawful for any two or more of the proprietors, from whom land shall have been taken, to join in submitting their joint or respective claims to [the] such jury. And if the said jury shall not by their verdict find the value of the land to be greater than said committee shall have appraised the same at, the said former owner or owners shall not recover costs for the trial by jury. But if the said jury shall find the value of the land to be greater than said committee shall have appraised the same at, the said corporation shall be adjudged to pay the costs of the trial; that [and] the verdict of the jury being accepted and recorded by the court, the said corporation shall be entitled to have and hold the land taken, on paying the value found by the jury into court, with or without costs as aforesaid.

Any person dissatisfied may have a trial by jury.

SECT. 4. *Be it further enacted,* That the money paid into court shall be paid out to such person or persons as the court shall find to have been the lawful owners of the land taken by said corporation, or to the legal representatives of such owners, according to the respective rights which such owners, or their legal representatives, shall make to appear to said court, and that said corporation shall pay the legal costs of such application to the court.

Money paid into court to be paid out to the lawful owners of the land.

SECT. 5. *Be it further enacted,* That when the said monument shall have been completed by the said corporation, the same shall be, together with all the land purchased and then held by said corporation, conveyed to the Commonwealth of Massachusetts, to be had and held by said Commonwealth, on the condition that the Commonwealth shall keep the said monument, and any buildings for public use connected therewith, in good repair forever. [Feb. 26, 1825.]

Monument when completed to be conveyed to the Commonwealth.

AN ACT to repeal the proviso in an Act to establish the town of South Reading.

Chap 125.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proviso contained in the third section of the "act to establish the town of South Reading," which act passed the twenty-fifth of February, in the year of our Lord one thousand eight hundred and twelve, expressed in the words following, viz.: "Provided, that the said town of South Reading shall be holden, until the further order of the Legislature, to pay to the town of

1811 ch. 131.

Repeal.

Reading such proportion, if any, of the expenses of maintaining the bridges and causeways over Ipswich river within said town, as a committee of the court of sessions for said county shall determine; and said court of sessions are hereby authorized, on the application of either of the inhabitants of Reading or South Reading, from time to time, to appoint a committee for the above purpose, whose report made to and accepted by said court, shall be binding on the said towns," be, and the same is hereby repealed. [Feb. 26, 1825.]

Chap 131. An Act in addition to an Act to incorporate the Proprietors of the City Hotel in Boston.

1824 ch. 103. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*
 Repeal. That the provision in said act, limiting the operation of the same to the term of twenty years, and the twelfth section of said act, be, and the same are hereby repealed. [Feb. 26, 1825.]

Chap 132. An Act to incorporate the United States Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Benjamin Fiske, Samuel Woods, Samuel Sanford, John Stearns, P. P. F. Degrand, James M. Russell, E. Copeland, Junior, and Jno. S. Wright, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the United States Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act: and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of one hundred thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SECT. 2. *Be it further enacted,* That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money by each and every subscriber on the amount of his subscription, within ninety days after public notice given by the president and directors, chosen by the stock-

Persons incor-
porated.

Powers and
privileges.

1817 ch. 120.

1819 ch. 141.

Real estate.

Capital stock.
[Enlarged by
st. 1825 ch. 10.
Reduced
1825 ch. 142.]
Shares, and the
payment there-
of.

holders, in two newspapers printed in the city of Boston, and the residue shall be paid in money, at such times as the president and directors shall appoint, within twelve months from the time this act shall go into operation.

SECT. 3. *Be it further enacted,* That the stock, property, affairs and concerns of the said company, shall be managed and conducted by twelve directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall at the time of their election be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday in January, in each and every year, and at such time of the day, and in such place in the city of Boston, as a majority of the directors for the time being shall appoint, of which election public notice shall be given, by publication in some newspaper printed in Boston, ten days at least previous to such meeting; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *provided,* that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe; and if, through any unavoidable accident, the said directors should not be chosen on the second Monday in January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the city of Boston, as they shall direct, for the purposes mentioned in such application, by giving the like notice thereof, as is herein required for the election of directors.

Number of directors.

When elected.

Right of voting.

Duty of secretary to call a meeting of the stockholders.

SECT. 4. *Be it further enacted,* That the directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year, and in case of death, resignation or inability to serve, of the president or any directors, such vacancy or vacancies may be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the same manner as herein before directed, respecting annual elections of directors.

Choice of president.

Vacancies, how filled.

SECT. 5. *Be it further enacted,* That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property estate and effects of said company, and the transfer of the shares, and touching the conduct and duties of the several officers, clerks and ser-

Board of directors.

By-laws.

vants employed, and the election of directors, and all such matters as appertain to the business of insurance ; also shall have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to their president, as to the said board shall seem meet : *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same in some newspaper printed in Boston, in two successive papers, for the purpose of electing their first board of directors, who shall remain in office until the second Monday in January, in the year of our Lord one thousand eight hundred and twenty-six, and until others shall be elected in their stead : *provided, however*, that this charter shall be void and of no effect, unless put in operation agreeably to the terms of it, within one year from and after the passing of this act : *and provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Conditions of this charter.

Limitation of risks.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, or loan on respondentia, or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act.

Location.

SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

Liability to taxation.

SECT. 9. *Be it further enacted*, That the said United States Insurance Company shall be liable to be taxed by a general law providing for the taxation of all similar corporations.

Capital stock shall be held by original subscribers one year.

SECT. 10. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year after this charter shall be put into operation as aforesaid. [*Feb. 26, 1825.*] Add. acts, 1825 ch. 10—142.

Chap 133.

An Act declaring and confirming to the Pewholders the property in the Congregational Meeting-house, in the First Parish in Roxbury, and authorizing them to raise monies by taxing pews.

Powers and privileges.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all persons who now are, or may hereafter become proprietors of the pews in the congregational meeting-house in the first parish in Roxbury, are hereby declared to be a body politic and corporate, by the name of the First Religious Society in Roxbury, with all the powers, privileges and immunities usually granted to such societies. And said corporation shall be and hereby are deemed in law to be seized of the same meeting-house, and the land under, adjoining and belonging to the same, and the privileges and appurtenances thereto apper-

taining ; reserving however to the several pew proprietors their rights and interests in said pews respectively.

SECT. 2. *Be it further enacted*, That said proprietors shall meet on the first Monday of April next, and afterwards on the first Monday in January annually, at said meeting-house, or such other place as the standing committee shall appoint, and after choosing a moderator, shall choose a clerk, who shall record all the votes and proceedings of said proprietors, and be sworn to the faithful discharge of his duties ; they shall also choose a treasurer who shall give bond for the discharge of the duties of his office, and also a standing committee of three discreet persons to manage their affairs, who shall continue in office one year and until others are chosen : *provided, however*, if from any cause, any of said officers are not chosen at said meeting in April next, or at any annual meeting on the first Monday in January, said officers may be elected at any other meeting duly notified for that purpose, and said committee may notify any meeting, by causing printed or written notifications to be delivered to the proprietors or left at their dwellings, three days at least before such meeting, or by leaving the same in the pews of the proprietors should a day of public worship intervene.

Meetings of proprietors.

Choice of officers.

Notification of meetings.

SECT. 3. *Be it further enacted*, That said proprietors shall have power to repair, alter or rebuild their meeting-house, and shall have all the rights in relation to the same and the support of public worship therein, which said parish have hitherto had, and shall be bound by all the contracts made by said parish.

Proprietors may alter or rebuild meeting-house.

SECT. 4. *Be it further enacted*, That said corporation may take, hold and possess, by gift, devise, purchase, or otherwise, real and personal estate, not exceeding forty thousand dollars, exclusive of their meeting-house and its appurtenances, as a ministerial fund, the interest only of which shall be expended annually, in such manner as the deacons of the church in said society, and the standing committee for the time being may deem fit, or the proprietors by their vote direct, and those only whose pews are taxed shall be deemed legal voters ; and the said corporation may make and establish by-laws for the better ordering their affairs : *provided*, the same are not repugnant to the constitution or laws of this Commonwealth.

Ministerial fund.

By-laws.

SECT. 5. *Be it further enacted*, That all monies necessary for the support of public worship in said meeting-house, and incidental charges which may be duly voted to be raised, shall be assessed by the standing committee on the proprietors of the pews on the lower floor in said meeting-house, according to a scale of valuation agreed upon by a vote of said parish, passed on the twenty-second day of November last, which is not to be changed for the term of ten years from the first day of April next, but after that time may be altered ; and gallery pews may be included if deemed expedient, having regard to the situation and value thereof. And the said committee shall make out lists of such assessments, stating the number of each pew, the name of the owner, and the amount assessed thereon, and deliver the same to

Pews to be assessed.

the treasurer who shall collect such assessments, and pay the same out on orders to be drawn by the clerk under the direction of the standing committee.

Transfer of
pews.

SECT. 6. *Be it further enacted*, That said proprietors shall hold their pews under their respective deeds, and the same shall hereafter be considered personal estate, and whenever any transfer of any pew in said meeting-house shall be made, the old deed shall be given up and a new deed made in the name of one person only, to be signed by the treasurer and countersigned by the clerk, and no conveyance shall be valid until noted on the records of the corporation.

Treasurer shall
sell pews of de-
linquents.

SECT. 7. *Be it further enacted*, That if any proprietor shall neglect to pay his or her assessment for the space of six months after such assessment is laid and notified by posting at the door of said house, the treasurer shall advertise the pew of such delinquent for the space of three weeks, by posting notices at said meeting-house, and two other public places in said town, stating the time, place, and cause of sale, and then if all arrears are not paid, he shall sell the same at auction to the highest bidder, and after deducting all sums due, with costs of sale and charges of conveyance, shall pay over the balance, if any, to the owner.

How pews may
be sold.

SECT. 8. *Be it further enacted*, That any person wishing to dispose of his or her pew, shall first give notice thereof to the standing committee, stating the name of the person to whom it is intended to sell, and offering the same to said corporation at cost, and if said corporation shall not elect to purchase and pay for such pew within thirty days from such notice, the same may be sold to one person only : *provided*, all dues thereon be first paid.

First meeting.

SECT. 9. *Be it further enacted*, That this act, being accepted by a major vote of said parish, shall be binding on all parties concerned therein, and the present treasurer or standing committee of said parish may call the first meeting under this act, and shall continue in office until others are chosen. [*Feb.* 26, 1825.]

Chap 134.

An Act to incorporate the President, Directors, and Company of the Washington Bank in Boston.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Baxter, William Dall, Thomas Hunting, Josiah P. Cook, Jonathan P. Stearns, John Thompson, Thomas Brewer, Josiah Knapp, ——— French, ——— Weld, Aa. Baldwin, B. V. French, Charles Thacher, and Windsor Fay, their associates, successors, and assigns, shall be, and hereby are created a corporation by the name of The President, Directors, and Company of the Washington Bank, and shall so continue from the third Monday in March, one thousand eight hundred and twenty-five until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges and immuni-

Privileges and
restrictions.

ties, which are contained in an act, entitled, “an act to incorporate the President, Directors, and Company of the State Bank,” excepting so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *provided however*, that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

1811 ch. 34.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned,

Capital stock.

divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one-fourth part thereof on or before the first day of May next, one-fourth part thereof on or before the first day of August next, one-fourth part thereof on or before the first day of November next, and the residue on or before the first day of February next; and no dividend shall be declared on the capital stock of said bank until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and profits thereof, which being entered in the books of said corporation shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine, and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more at any one time, with power to bargain, sell, dispose of and convey the same by deed, under the seal of said corporation, and signed by the president and two directors, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may think advisable: *provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *and provided further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in and existing in gold and silver in their vaults, shall amount to two hundred and fifty thousand dollars, nor until said capital stock, actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to

Shares and the payment thereof.

Transfer of stock, &c.

Real estate.

Proviso

Capital to be examined, and a return thereof made by commissioners.

remain as a part of said capital, and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money at said bank until he shall have paid in his full proportion of the whole of said capital stock, as is herein before provided and required.

Location. **SECT. 3.** *Be it further enacted,* That the said bank shall be established and kept in Boston, and the said bank shall be located south of the north side of Essex street.

Loans to the Commonwealth. **SECT. 4.** *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum. *Provided, however,* that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso. **SECT. 5.** *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

First meeting. **SECT. 6.** *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

By-laws. **SECT. 7.** *Be it further enacted,* That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Commonwealth may subscribe to capital stock. **SECT. 8.** *Be it further enacted,* That the cashier, before he enters upon the duties of his office, shall give bond, with sureties to the satisfaction of the board of directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

Legislature may appoint directors. **SECT. 9.** *Be it further enacted,* That the said corporation, from and after the first day of May next, shall pay by way of tax

Cashier shall give bond.

Tax.

to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall actually have been paid in.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder, the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate.

Liability to pay original amount of altered notes.

Stereotype plate.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act, and in case the same shall not be put in operation according to the provisions thereof, within the year aforesaid, it shall be void. [Feb. 26, 1825.] Add. act, 1830 ch. 58.

Conditions of this charter.

An ACT to incorporate the President, Directors and Company of the Fall River Bank in Troy.

Chap 135.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Oliver Chase, David Anthony, Bradford Durfee, Richard Borden, Nathaniel B. Borden, John C. Borden, Lucius Smith, Samuel Smith, Clark Shove, Harvey Chase, Edward Bennett, Arnold Buffum, James Ford, James G. Bowen, William W. Seven, Benjamin Rodman, William Valentine and Holden Borden, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Fall River Bank, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever; and also to make, have and use a common seal; and to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them may appear necessary and convenient for the government of said corporation and the prudent management of their affairs: *provided*, such by-laws, ordinances and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first on the first day of July next, the second on the first day of October next, the third on the first day of March next after, and the fourth the first day of July next after the third,

Capital stock.

[Increased by st. 1836 ch. 125.]

Shares, and the payment thereof.

or at such earlier time as the stockholders at any meeting thereof may order, and the stockholders, at their first meeting, by a majority of votes, may determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, and their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to said corporation: *provided, further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

1811 ch. 84. **SECT. 3.** *Be it further enacted*, That the rules, limitations and provisions which are provided in and by the third section of an act, entitled “an act to incorporate the President, Directors and Company of the State Bank,” shall be binding on the bank hereby established. *Provided*, the bond required to be given by the cashier, shall be given in the penalty of twenty thousand dollars, that the number of directors to be annually chosen shall be nine, and five may constitute a quorum for the transaction of business: *and provided, also*, that the amount of bills issued from said bank shall not exceed fifty per cent. beyond their capital stock actually paid in.

Location. **SECT. 4.** *Be it further enacted*, That the said bank shall be established and kept in the town of Troy.

Committee of the Legislature may examine into the doings of the corporation. **SECT. 5.** *Be it further enacted*, That any committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

First meeting. **SECT. 6.** *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of said stockholders of said corporation, at a convenient time and place, by advertising the same three weeks successively in the *Columbian Reporter*, a newspaper printed in Taunton, for the purpose of making, ordaining and establishing such by-laws,

By-laws.

ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation herein before provided for, and whenever the Commonwealth shall become so interested in said bank, the governor and council shall have a right to appoint four additional directors for the management of the same.

Commonwealth may subscribe to capital stock.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay, to any *bona fide* holder, the original amount of any note of said bank altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay any *bona fide* holder the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate.

Corporation liable to pay original amount of altered notes.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Stereotype plate.

Tax.

SECT. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money, which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum.

Loans to the Commonwealth.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

Conditions of this act.

SECT. 12. *Be it further enacted*, That no dividend of profit shall be declared, or paid, on the capital stock of said bank, until the whole of said stock shall have been paid conformably to the provisions of this act. [Feb. 26, 1825.] Add. acts, 1826 ch. 125 : 1830 ch. 58. 89 : 1836 ch. 91.

AN ACT to incorporate the President, Directors and Company of the Barnstable Bank.

Chap 140.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Crocker, Zeno Killey, Elisha Doane, Charles Hallet, Henry Thacher, Seth Killey, Matthew Cobb, and Freeman Baker, with their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of

Persons incorporated.

Powers and privileges.	the President, Directors and Company of the Barnstable Bank, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and thirty-one, and by that name shall be, and are hereby made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever ; and also to make, have and use a common seal ; and to ordain, establish and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns :
Proviso.	<i>provided</i> , such by-laws, ordinances and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth ; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein contained.
Capital stock.	SECT. 2. <i>Be it further enacted</i> , That the capital stock of said bank shall consist of the sum of one hundred thousand dollars in gold and silver, in shares of one hundred dollars each, one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year, after the passing of this act, or at such earlier time as the stockholders at any meeting may direct ; and no dividend of profit shall be declared or paid in [<i>on</i>] the capital stock of said bank, until the whole of said stock shall have been paid, in conformity to the provisions of this act. And the stockholders,
Shares, and the payment thereof.	at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper : <i>provided, however</i> , that nothing herein contained shall prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount or [<i>as</i>] security for, or in payment of any debt due to said corporation : <i>and provided, further</i> , that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.
Transfer of stock.	
Real estate.	
Provisos.	SECT. 3. <i>Be it further enacted</i> , That the rules, limitations, and provisions, which are provided in and by the third section of an act, entitled “an act to incorporate the president, directors and company of the State bank,” shall be binding on the bank hereby established ; excepting that the bond to be given by the cashier, shall be in the penal sum of twenty thousand dollars ; and the number of directors to be annually chosen shall be nine, five of whom shall constitute a quorum for the transaction of business : <i>provid-</i>
1811 ch. 34.	
Bond of cashier.	
Number of directors.	

ed, that the amount of bills of said bank in circulation shall not at any time exceed fifty per centum beyond the amount of the capital actually paid in. Amount of bills allowed to be circulated.

SECT. 4. *Be it further enacted*, That said bank shall be established and kept in the town of Yarmouth. Location.

SECT. 5. *Be it further enacted*, That any committee, specially appointed for that purpose by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon examination it shall be found, and after a full hearing of said corporation thereon, be determined, by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation may thereupon be declared forfeited and void. Legislature may examine into the doings of the corporation, and declare this act void.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any of them, are authorized to call a meeting of the members and stockholders of said corporation, at a convenient time and place, by advertising the same, three weeks successively, in the Barnstable County Gazette printed at Barnstable, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose. First meeting.

SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding twenty-five thousand dollars, to be added to the capital stock herein before provided for. And whenever the Commonwealth shall become so interested in said bank, the Governor and Council shall have a right to appoint four additional directors for the management of the same. Commonwealth may subscribe to the capital stock.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay *bona fide* holders the original amount of any note of said bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration. Corporation liable to pay original amount of altered notes.

SECT. 9. *Be it further enacted*, That the said corporation shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in, and shall also be liable to pay to any *bona fide* holder, the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate. Tax. Stereotype plate to be used.

SECT. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding twenty per centum of the amount of the capital stock actually paid in, reimbursable by five annual instalments, or at any Loans to the Commonwealth.

shorter period at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum.

Conditions of
this act.

SECT. 11. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this act ; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void. [*Feb. 26, 1825.*] Add. acts, 1830 ch. 58 : 1833 ch. 149.

Chap 141.

AN ACT to incorporate the Trustees of the Ministerial Fund of the Congregational Parish and Society in Canton.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Crane, Simeon Tucker, Thomas Dunbar, Isaac Fenno, and Charles Tucker, and their successors, be, and they are hereby made a body politic, and by the name of the Trustees of the Ministerial Fund of the Congregational Parish and Society in Canton ; and by that name to remain a corporation forever, capable and liable in law to sue and be sued, in any action, real, personal or mixed, and to prosecute and defend the same to final judgment and execution.

May sue and
be sued.

Appoint a treas-
urer and clerk.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to appoint a treasurer, who shall give bond to the inhabitants of the congregational parish aforesaid, for the faithful performance of his trust ; and the said trustees shall have power to appoint a clerk, if they see fit, who shall be sworn, and all such other officers as may be necessary for the management of their affairs ; and to make, adopt, and execute all reasonable by-laws and regulations for the government of said corporation, not repugnant to the constitution and laws of this Commonwealth.

By-laws.

Trustees may
receive and
hold donations.

SECT. 3. *Be it further enacted*, That the said trustees shall have full power to receive and hold the William Wheeler donation to said parish, and such other funds as may be placed in their hands and possession by the said parish, arising from the sale of pews in the church recently erected by said parish, and all gifts, grants, donations or subscriptions, real or personal, that may hereafter be made for a ministerial fund, or other parochial uses, and the same to manage, and to apply the income thereof to the support of a congregational minister in said parish, and to such other parochial purposes as may be conformable to the intention and direction of the grantor or donor : *provided, however*, that the annual income of said funds shall never exceed the sum of fifteen hundred dollars.

Appropriation
of income.

Proviso.

Number of trus-
tees.

SECT. 4. *Be it further enacted*, That the number of said trustees shall never be less than three, or more than five, and they shall be annually elected by the inhabitants of the said congregational parish, at their meeting in March or April, and if the said parish shall neglect or refuse so to do, the said trustees shall continue in office until others are elected and appointed in their stead ; and no person shall be a trustee unless he be a member of

the congregational parish and society aforesaid ; and whenever any vacancy shall happen in said board of trustees, by death, resignation, or removal, the said parish, at any meeting legally warned for that purpose, may fill said vacancy ; and if the said parish neglect to fill said vacancy within one year after it shall happen, then the said trustees by a major vote, shall have power to fill such vacancy.

Vacancies, how filled.

SECT. 5. *Be it further enacted*, That the said trustees shall keep a fair record of their proceedings, which shall be open to the inspection and examination of any committee appointed by the congregational parish aforesaid, and the aforesaid trustees shall annually exhibit to said parish a correct statement of the funds in their possession, and of the expenditure of the income thereof, and they shall be liable individually in damages to said parish, for any waste or misapplication of said funds.

Trustees shall keep a record and annually exhibit a statement of the fund.

SECT. 6. *Be it further enacted*, That all deeds and instruments requiring a seal, which the said trustees shall have lawfully determined to make, shall be sealed with their seal, and being signed and acknowledged by the treasurer of said corporation, shall bind the said trustees and their successors, and be valid in law.

Deeds of the corporation.

SECT. 7. *Be it further enacted*, That Thomas Tolman, Esquire, be, and he is hereby authorized and empowered to issue his warrant, directed to some one of the trustees named in this act, requiring him to notify the first meeting of said corporation, to organize the same by the establishment of by-laws, and the appointment of its officers ; and all meetings of said corporation, after the first, shall be called in such way and manner as the said trustees shall direct. [Feb. 26, 1825.]

First meeting.

An Act in addition to an Act to incorporate the President, Directors, and Company of the Mendon Bank.

Chap 142.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the act to incorporate the president, directors and company of the Mendon bank, shall have full force and effect, if the same be put in operation, in the manner therein prescribed, within sixty days from the passing of this act.

1823 ch. 76.

Time extended.

SECT. 2. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this act.

Capital stock shall not be sold for one year.

SECT. 3. *Be it further enacted*, That one half of the capital stock of said bank shall be paid in sixty days, one fourth part in six months, and the residue in one year from and after the passing of this act ; and that the said corporation shall be liable to pay to any *bona fide* holder, the amount of all notes of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate, any thing in the said act to the contrary notwithstanding. [Feb. 26, 1825.] Add. acts, 1830 ch. 58 : 1832 ch. 119.

Instalments.

Stereotype plate to be used.

Chap 143.

An ACT to incorporate the Boylston Fire and Marine Insurance Company.

Persons incor-
porated.

Powers and
privileges.

1817 ch. 120.

1819 ch. 141.

Real estate.

Capital stock.

Shares and the
payment there-
of.

Condition of
this act.

Number and
election of
directors.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Dall, Thomas Hunting, Windsor Fay, Josiah P. Cook, and Moses Williams, with their associates, successors and assigns, be, and they are hereby incorporated into a body politic, by the name of "The Boylston Fire and Marine Insurance Company," for and during the term of twenty years from and after the passing of this act, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; and by that name to sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided,* they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

SECT. 2. *Be it further enacted,* That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money, within ninety days after the first meeting of the said company, and the residue within one year from the passing of this act, in such instalments, and under such penalties as the president and directors shall in their discretion direct and appoint, and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation, and if the provisions of this act shall not be complied with in one year from the passing of this act, the same shall then be void.

SECT. 3. *Be it further enacted,* That the property, affairs and concerns of said company, shall be managed and conducted by twelve directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their election, which shall be on the second Monday in March, in every year, at such time of the day, and place in Boston, as a majority of the directors for the time being shall appoint, notice of which election, shall be given in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written ballot, and by a majority of the votes of the stockholders present, allowing one vote

to each share of the capital stock: *provided*, that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy, and if from any cause, the directors shall not be chosen on the said second Monday in March aforesaid, it shall be lawful to choose them on any other day in manner herein provided. And it shall be the duty of the secretary of said company, upon application in writing made by the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, by giving like notice thereof, as is herein prescribed for election of directors.

Right of voting.

When the duty of the secretary to call a meeting of the stockholders.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body, one person to be president, who shall be sworn faithfully to discharge the duties of said office, and who shall preside for one year, and in case of death, resignation, or inability to serve, of the president or any director, such vacancy or vacancies may be filled for the remainder of the year by the surviving and continuing directors.

Choice of president.

Vacancies how filled.

SECT. 5. *Be it further enacted*, That the president and six of the directors, or seven directors in the absence of the president shall be a board competent to the transaction of the business of the company, and all questions before them shall be decided by a majority of the board; and they shall have power to make such rules and by-laws as they may deem proper for the management of the affairs and security of the property of said company, and have power to appoint a secretary, and such other officers as they may think expedient, and make such compensations as they may deem adequate to the services performed: *provided*, that such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

Board of directors.

By-laws.

Proviso.

SECT. 6. *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call a first meeting of this company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previously to the time of holding such first meeting: *provided*, that the company shall not take any risk, or subscribe any policy, by virtue of this act, until fifty per centum of the said capital stock of said company shall have actually been paid in.

First meeting.

Proviso.

SECT. 7. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

Location.

SECT. 8. *Be it further enacted*, That the said company shall never take on any one risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in agreeably to the provisions of this act.

Limitation of risks.

SECT. 9. *Be it further enacted*, That the said Boylston Fire and Marine Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations which are by law liable to be taxed. [Feb. 26, 1825.]

Liability to be taxed.

Chap 145. An ACT to incorporate the President, Directors and Company of the Housatonic Bank.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Woodbridge, Thaddeus Pomroy, Cyrus Williams, Henry W. Dwight, Samuel Jones, and George Whitney, with their associates, successors and assigns, be, and hereby are created a corporation by the name of The President Directors and Company of the Housatonic Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, provisions and taxes, and be entitled to the same rights, privileges and immunities, as are contained in an Act, entitled, "an act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited and enacted: *provided however,* that the amount of bills issued from the said bank, shall not at any time, exceed fifty per centum beyond the amount of the capital stock actually paid in: *and provided further,* that the number of directors to be annually chosen shall be nine, and who shall be inhabitants of, and residents within this Commonwealth, and shall be accountable for the doings of the whole board, any five of whom may constitute a quorum for the transaction of business.

Powers and
privileges.

1811 ch. 34.

Amount of bills
to be issued.

Number of di-
rectors.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe in the manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following, that is to say, one fourth part thereof on or before the first day of July next, one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of January next, thereafter, and the residue on or before the first day of July next, thereafter; and no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars, and no dividend shall be declared on the capital stock of said bank, until the whole of the said stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered on the books of the corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors, and assigns, lands, tenements, and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose, and convey the same by deed, under

Capital stock.

Shares and the
payment there-
of.

[Time of pay-
ment extended,
1825 ch. 126.]

Transfer of
stock.

Real estate.

the seal of said corporation, and signed by the president or two of the directors ; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable : *provided however*, that nothing herein contained, shall restrain or prevent the said corporation from taking or holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debt due to the said corporation : *and provided further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until the said capital stock actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the said corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that the said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as part of the said capital stock, and to return a certificate thereof to the governor.

Proviso.

Capital to be examined and return thereof made by commissioners.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Stockbridge. And whenever the Legislature do require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to the said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Location.

Loans to the Commonwealth.

SECT. 4. *Be it further enacted*, That the persons herein before [named], or any three of them, are hereby empowered to call a meeting of the members and stockholders of the said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same for three weeks successively, in any two newspapers printed in the county of Berkshire, for the purpose of making and ordaining such by-laws and regulations, for the orderly conducting the affairs of the said corporation, as the stockholders may deem necessary, and for the choice of the first board of directors, and such other officers as they may see fit to choose and appoint ; and the cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

First meeting.

By-laws.

Cashier shall give bond.

SECT. 5. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision

Commonwealth may subscribe to capital stock.

therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of the said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature
may appoint
directors.

SECT. 6. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of the corporation, in the manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Corporation
shall be liable
to pay original
amount of al-
tered notes.

SECT. 7. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay any *bona fide* holder the amount of any note of said bank, counterfeited, excepting such note is printed or impressed with the stereotype plate.

Stereotype
plate.

Tax.

SECT. 8. *Be it further enacted*, That the said corporation, from and after the first day of January next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use thereof, within ten days after the first Mondays of April and October annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Capital stock
shall not be sold
for one year.

SECT. 9. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the passing of this act; and in case the said bank shall not be put into operation according to the provisions thereof, within the year aforesaid, then this act shall be void. [Feb. 26, 1825.] Add. acts, 1825 ch. 126: 1830 ch. 58.

Chap 148.

An ACT to incorporate the Sunderland Bank.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel Smith, Erastus Graves, Alpheus Field, Roswell Field, Jonathan Eastman, Jonathan Gregory and Cotton Graves, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the Sunderland Bank, and shall so continue from the passing of this act, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one. And the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the President, Directors and Company of the State Bank,” except in so far as the same are modified or altered by this act, as fully and effectually as if the several sec-

Powers and
privileges.

1811 ch. 84.

tions of said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank, at any time, shall not exceed fifty per centum of the amount of their capital stock actually paid in.

[Allowed to issue bills to the amount of capital stock, 1825 ch. 155.]

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year after the passing of this act, or at such earlier time as the stockholders may order, at any meeting regularly holden therefor. And no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars, and no dividend shall be declared on the capital stock of said bank until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders shall, at their first meeting, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed under the seal of said corporation, and signed by the president, or two of the directors; and to loan and to negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Capital stock.

Shares, and the payment thereof.

Transfer of stock.

Real estate.

Proviso.

Proviso.

SECT. 3. *Be it further enacted*, That the said bank shall be established in the town of Sunderland; and the number of directors shall be nine. Five of them shall be necessary to constitute a quorum for transacting business.

Location.

Number of directors.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period at the election of the Commonwealth, with the

Loans to the Commonwealth.

annual payment of interest at a rate not exceeding five per centum : *provided, however*, that the Commonwealth shall never stand indebted to the corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

First meeting.

SECT. 5. *Be it further enacted*, That any three of the persons herein before named may call the first meeting of said corporation, by advertising the same three weeks successively in one of the newspapers printed in Greenfield, in the county of Franklin, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

By-laws.

Commonwealth may subscribe to the capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall by law make provision therefor, to subscribe a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall by the Legislature be made and established.

Legislature may appoint directors.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided ; in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors of said bank, in proportion as the sum paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Cashier shall give bond.

SECT. 8. *Be it further enacted*, That the cashier, before entering on the duties of his office, shall give bond with sufficient sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of a tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October annually, the half of one per centum on the amount of stock actually paid in.

Corporation liable to pay original amount of any altered note.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate.

Stereotype plate.

Capital stock shall not be sold for one year.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this act ; and in case the same shall not be

put into operation according to the provisions thereof, within the year aforesaid, it shall be void. [*Feb. 26, 1825.*] Add. acts, 1825 ch. 155 : 1830 ch. 149 : 1831 ch. 19.

An Act to incorporate the Hampshire Manufacturers Bank in the town of Ware.

Chap 149.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas A. Dexter, Anthony Olney, Joel Rice, Joseph Bowman, Jason Mixer, Samuel Mixer, Samuel G. Cutter, Elbridge Cutter, Amos Hamilton, and James Stebbins, with their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the Hampshire Manufacturers Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one, and by that name, shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever ; and also to make, have, and use a common seal ; and to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns : *provided*, such by-laws, ordinances and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth ; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein contained.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the capital stock of said bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each ; one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year after the first meeting of said corporation, or at such earlier period as the stockholders at any meeting may direct ; and no dividend or profit shall be declared, or paid on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors, and assigns, lands, rents, and tenements, and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper : *provided, however*, that nothing herein contained shall prevent said corporation taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debt due to said corpora-

Capital stock.

[Increased 1836 ch. 94.]

Shares and the payment thereof.

Transfer of stock.

Real estate.

Proviso.

- Proviso. tion : *and provided, further*, that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.
- 1811 ch. 34. SECT. 3. *Be it further enacted*, That the rules, limitations and provisions which are provided in and by the third section of an act, entitled “an act to incorporate the president, directors, and company of the State bank,” shall be binding on the bank hereby established, excepting that the bond, to be given by the cashier, shall be in the penal sum of twenty thousand dollars ; and the number of directors to be annually chosen, shall be nine, five of whom shall constitute a quorum for the transaction of business :
- Bond of cashier. *provided*, that the amount of the bills of said bank in circulation, shall not at any time exceed the sum of fifty per centum beyond the amount of capital actually paid in.
- Number of directors. SECT. 4. *Be it further enacted*, That said bank shall be established and kept in the town of Ware.
- Amount of bills allowed to be in circulation. SECT. 5. *Be it further enacted*, That any committee, specially appointed for that purpose by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if, upon examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation may thereupon be declared forfeited and void.
- Location. SECT. 6. *Be it further enacted*, That the persons herein before mentioned, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, at a convenient time and place, by advertising the same three weeks successively in the Hampshire Gazette, printed at Northampton, for the purpose of making, ordaining, and publishing
- Legislature may examine into the doings of the corporation. such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.
- First meeting. SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock herein before provided for, and whenever the Commonwealth shall become so interested in said bank, the Governor and Council shall have a right to appoint four additional directors for the management of the same.
- By-laws. SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder, the amount of any note
- Commonwealth may subscribe to capital stock.
- Corporation liable to pay original amount of any altered note.

of said bank counterfeited, excepting such note is printed or im-
pressed with the stereotype plate. Stereotype
plate.

SECT. 9. *Be it further enacted*, That said corporation shall
pay, by way of tax, to the treasurer of this Commonwealth, for
the use of the same, within ten days after the first Monday of
October and April, annually, the half of one per centum on the
amount of stock which shall have been actually paid in. Tax.

SECT. 10. *Be it further enacted*, That whenever the Legis-
lature shall require it, the said corporation shall loan to the Com-
monwealth any sum of money which shall be required, not ex-
ceeding twenty per cent. of the capital stock actually paid in, re-
imbursable by five annual instalments, or at any shorter period at
the election of the Commonwealth, with the annual payment of
interest at a rate not exceeding five per centum per annum. Loans to the
Common-
wealth.

SECT. 11. *Be it further enacted*, That in case this act shall
not be put into operation according to the provisions thereof,
within one year from the time of passing the same, then it shall
become void, and that the capital stock of the said bank shall not
be sold or transferred, but be holden by the original subscribers
thereof, for and during the term of one year from the passing of
this act. [*Feb. 26, 1825.*] Add. acts, 1830 ch. 58 : 1836
ch. 94. Capital stock
shall not be sold
for one year.

An ACT to incorporate the Proprietors of the Quincy Canal.

Chap 150.

SECT. 1. *BE it enacted by the Senate and House of Repre-
sentatives, in General Court assembled, and by the authority of
the same*, That William Wood, Henry Wood, William Pack-
ard, Peter Bicknell, Ebenezer Green, John Whicher, Ebenezer
Crain, Elijah Spear, William Seven and Ebenezer Bent, their
associates, successors and assigns, with all others who may here-
after associate with them, be, and they are hereby made a corpo-
ration and body politic forever, by the name and style of the
Proprietors of the Quincy Canal, and by that name may sue and
be sued, prosecute and be prosecuted to final judgment and exe-
cution, and do and suffer all other acts and things, which bodies
public [*politic*] may and ought to do and suffer; and the said
corporation shall have power and authority to make, have and use
a common seal, and the same to break, alter and renew at plea-
sure. Persons incor-
porated.

SECT. 2. *Be it further enacted*, That any three of the per-
sons above named may call the first meeting of the said proprie-
tors, to be held in some suitable place, by posting up advertise-
ments in the town of Quincy, seven days at least prior to the
time appointed for such meeting, and the said proprietors, by a
vote of a majority of those present, accounting and allowing one
vote for each share, shall have power to choose a clerk and
treasurer, who shall be severally sworn to the faithful performance
of the duties of their respective offices; which clerk shall record
this act, and truly and faithfully record all rules, regulations and
votes of said corporation, and the said corporation may, at the
same or any subsequent meeting, choose a president, and such
Powers.

First Meeting.

Manner of vot-
ing.

Choice of offi-
cers.

other officers, agents and servants, and invest them with such power and authority, as may be found necessary for managing the business of said corporation, and to assess and recover reasonable fines and penalties of the members of said corporation, for any breach of such rules and regulations as they may adopt, not exceeding ten dollars for any one breach : *provided*, such rules and regulations shall not in any case be repugnant to the constitution and laws of this Commonwealth.

Corporation may take land for basin and canal, by making compensation therefor.

SECT. 3. *Be it further enacted*, That said corporation shall have power to explore, mark and lay out a parcel of land below Town river bridge, so called, in Quincy, twenty-eight rods long and eighty feet wide, for a basin at the head of said canal, and from thence a parcel of marsh, fifty feet wide, extending to the head of Souther's wharf, so called, in Quincy aforesaid, likewise land sufficient and necessary for a road and wharves, where it may be most convenient for them, by making the owners thereof a reasonable compensation for the same, which compensation, if said owner and corporation cannot agree upon, shall be decided by three disinterested freeholders, living within the county of Norfolk, one to be appointed by each party, and the third by those two, and the cost to be paid by said corporation ; through and over which they may dig, make and complete a canal, of suitable depth and width for the passage of vessels not drawing more than nine feet of water, and to make such locks and gates, as may be convenient and necessary for the purpose of this act.

Shall make fence and pay damages.

SECT. 4. *Be it further enacted*, That it shall be the duty of said corporation, at their own expense, to erect and forever maintain a good and sufficient fence, extending the whole length of the northerly side of the tow path, road and canal, fencing in the land through which they pass, if so required by the owners of the land through which they pass ; and said corporation shall be held to make compensation to any person or persons who may sustain damage by any obstruction caused by the erection of the canal aforesaid.

If damages are not paid, owner may have an action of the case.

SECT. 5. *Be it further enacted*, That if said corporation shall not within thirty days after the award made, or to be made, by the said three disinterested freeholders, to be appointed as aforesaid, shall be declared and made known, pay the amount of said award to the owner or owners of the lands or water privilege, in whose favor the said award shall be, the said owner or owners may bring an action of the case for the recovery of the same, against said corporation, in any court competent to try the same, and shall recover the same, with interest, at the rate of twelve per centum per annum, for the time which elapses after the date of said award, until final judgment in court shall be recovered and entered ; and if the writ of execution which issues upon such judgment shall be returned unsatisfied, the stockholders and members of said corporation, who are members at the time of the making of such award, shall be jointly and severally liable, in their individual and private capacity, to pay the same.

Individual liability of members.

SECT. 6. *Be it further enacted*, That if any person or per-

sons shall wilfully, maliciously, or contrary to law, take up, remove, break down, dig under or otherwise injure any part of said canal, or any work or works connected with or appertaining to the same, or any part thereof, such person or persons, for every said offence, shall forfeit and pay to said corporation treble such damages as said proprietors shall to the justice, or court and jury, before whom the trial shall be, make appear they have sustained by means of such trespass, to be sued for, and recovered, with costs, in any court proper to try the same; and such offender or offenders shall further be liable to indictment for such trespass or trespasses, and on conviction thereof shall be sentenced to pay a fine to the use of the Commonwealth, of not less than ten nor more than fifty dollars.

Penalty for injuring canal.

SECT. 7. *Be it further enacted*, That the stock and property of said corporation shall be divided into sixty shares, of one hundred dollars each, to be paid by the proprietors, certificates of which shall issue under the seal of said corporation, and be signed by the president and treasurer thereof, and the said shares shall be deemed and taken to be personal estate, and may be transferred by an indorsement, and said transfer shall be recorded by the clerk of said corporation, and said corporation may make assessments on said shares, for the purpose of effecting the objects of the corporation: *provided*, the assessments on each share do not exceed twenty-five dollars, in addition to the above named one hundred dollars already assessed. And if any proprietor of any share or shares shall neglect or refuse to pay any assessment, for the term of thirty days after the same hath become due, the share or shares on which there is a delinquency, may be sold at public auction, notice of the time and place of sale being given by the treasurer of said corporation, by posting up advertisements thereof, in two or more public places in the town of Quincy, ten days at least previous to the time of such sale, and the proceeds of such sale shall be applied to the payments due on the share or shares so sold, with incidental charges, and the surplus if any shall be paid to the former owner, or to his legal representative on demand, and such sale shall give a good and complete title to the purchaser or purchasers of such share or shares, and he shall receive a new certificate thereof, which shall be recorded by the clerk of said corporation, or the said corporation may recover the amount of such assessments and interest and costs, in an action of debt, in any court having jurisdiction, as they shall elect and determine.

Stock shall be divided into shares.

Assessments.

Proviso.

Treasurer may sell delinquents' shares.

Or corporation may recover assessments by action of debt.

SECT. 8. *Be it further enacted*, That the said corporation shall be entitled to ask and receive, for their sole benefit, of and from all vessels, boats, rafts, gondolas, &c. passing through the locks of said canal, fees or toll, not exceeding the following rates, viz.: for every ton of stones, six cents per ton; for every cord of wood, twelve and a half cents per cord; for every thousand feet of boards, fifteen cents, and other sawed lumber in proportion; for every hundred feet of timber, ten cents; for ton timber, ten cents per ton; for shingles, four cents per thousand; for laths, six cents per thousand; for clapboards, twenty-five

Fees or toll.

cents per thousand ; for brick, eight cents per thousand ; and for lime, four cents per cask ; and all other articles to pay toll in proportion to the above named rates ; and [for] every vessel carrying passengers, or plying through the locks of said canal as a packet, for the purpose of carrying passengers or freight, shall pay six cents per ton for the amount of tonnage she may be able to carry ; all salt and grain, carried through the locks of said canal, shall pay one dollar for every hundred bushels ; and at and after that rate for any greater or less quantity. And said toll shall commence as soon as said canal shall be passable for vessels as prescribed by said corporation : *provided, however*, that the fees or toll shall be, at all times hereafter, subject to the revision or alteration of the Legislature.

Tolls subject to revision of the Legislature.

Condition of this act.

SECT. 9. *Be it further enacted*, That if said corporation shall not complete a canal as aforesaid, passable for vessels as above described, drawing nine feet of water, within three years from and after passing of this act, the same shall be void. [Feb. 26, 1825.]

Chap 151.

An ACT to incorporate the President, Directors and Company of the Danvers Bank.

Persons incorporated.

Privileges and restrictions.

1811 ch. 34.

Proviso.

Capital stock.

Shares, and the payment thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Squires Shove, Denison Wallis, Sylvester Osborn, William Sutton and Ebenezer Shillaber, and their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Danvers Bank ; and shall so continue until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one. And the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the President, Directors and Company of the State Bank,” a bank kept and established in the town of Boston, except as the same are so far modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted. *Provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred and twenty thousand dollars, divided into shares of one hundred dollars each ; thirty-three and one third per centum of which shall be paid, in gold and silver, on or before the first day of July next, and the residue in two instalments of forty thousand dollars each, the first in six months and the second in twelve months after said first meeting, or at such earlier time or times, as the stockholders may direct at said meeting ; and no dividend shall be made or declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably

to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the said stock and the profits thereof, which, being entered in the books of the said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of six thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate on mortgage, or execution, to any amount, as security for, or in payment of, any debts due to the said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to sixty thousand dollars, nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in the vaults, and to ascertain by the oath of the directors, or a majority of them, that said capital stock has been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended to remain therein as part of said capital, and to return a certificate thereof to the governor.

Transfer of stock.

Real estate.

Proviso.

Capital to be examined and return thereof made by commissioners.

SECT. 3. *Be it further enacted*, That the said bank shall be located and kept in the town of Danvers.

Location.

SECT. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money, which may be required, not exceeding ten per centum of the capital stock then paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest not exceeding five per centum per annum. *Provided however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Loans to the Commonwealth.

SECT. 5. *Be it further enacted*, That any three of the persons named in the first section of this act, are authorized to call a meeting of the members and stockholders of said corporation, at such time and place as they may see fit to appoint, by advertising the same in the Salem Gazette, printed in Salem, for the purpose of making, ordaining, and establishing such by-laws and regulations for the orderly conducting the affairs of the said corporation, as the stockholders shall deem necessary, and for the

First meeting.

By-laws.

Commonwealth may subscribe to the capital stock.

Condition of charter.

Corporation liable to pay original amount of altered notes.

Stereotype plate.

Capital stock shall not be sold for one year.

Bond of cashier.

choice of a board of directors to consist of nine persons, and such other officers as they shall see fit to choose.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half part of the stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, as to the management thereof, as shall be by the Legislature made and established.

SECT. 7. *Be it further enacted*, That in case the said bank shall not be put into operation, according to the provisions of the charter, within one year from the passing of this act, then the same shall be void.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder the original amount of any note of said bank counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any *bona fide* holder the amount of any note of said bank counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate.

SECT. 9. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act.

SECT. 10. *Be it further enacted*, That the cashier, before he enter upon the duties of his office, shall give bond with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office. [Feb. 26, 1825.] Add. acts, 1830 ch. 58 : 1832 ch. 110.

Chap 154.

[Repealed
1829 ch. 104.]
Persons incor-
porated.

Powers.

Capital stock.
Shares and the
payment
thereof.

Transfer of
stock.

An ACT to incorporate the President, Directors, and Company of the Farmers Bank in Belchertown.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Bridgman, Jr., Mark Doolittle, Joseph Strong, Azor Moody, Charles Farry, Elihu Lyman, Jonathan Dwight, Mason Shaw, Philo Dickinson, Elnathan Jones, Thomas Jones, John Wyles, James H. Clapp, Theodore Bridgman, Henry Mellen and Amos Mason, with their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Farmers Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever; and also to make, have or use a common seal; and to ordain, establish and put in execution such by-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns: *provided*, such by laws, ordinances and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein contained.

SECT. 2. *Be it further enacted*, That the capital stock of said bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, to be paid in, in the following manner, viz.: one fourth part thereof on or before the first day of July next, one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of January next; the residue on or before the first day of July thereafter; or at such earlier time as the stockholders, at any meeting, may order; and no dividend or profit shall be declared, or paid on the capital of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of the

stock and profits of said bank, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of four thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper: *provided, however*, that nothing herein contained shall prevent said corporation from taking and holding real estate on mortgage, or on execution, to any amount, as security for, or in payment of any debt due to said corporation; *and provided, further*, that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

SECT. 3. *Be it further enacted*, That the rules, limitations and provisions which are provided in and by the third section of an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established, in the same manner as though specially recited in this act, excepting that the bond to be given by the cashier shall be in the penal sum of twenty thousand dollars; and the number of directors to be annually chosen shall be nine, and be inhabitants of, and residents in this Commonwealth, and accountable for the doings of the whole board, five of whom may constitute a quorum for transacting business: *provided*, that the amount of the bills of the said bank, in circulation, shall not, at any time, exceed fifty per centum beyond the amount of the capital actually paid in.

SECT. 4. *Be it further enacted*, That said bank shall be established and kept in the town of Belchertown, in the county of Hampshire.

SECT. 5. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided: this act of incorporation shall thereupon be declared to be forfeited and void.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any two of them, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same three weeks successively in the Hampshire Gazette, a paper printed in Northampton, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation herein before provided for, and whenever the Commonwealth shall become so interested in said bank, the governor and council shall have a right to appoint four additional directors for the management of the same.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SECT. 10. *Be it further enacted*, That one tenth part of the whole capital of said bank may always be appropriated to loans to be made exclusively to citizens of this Commonwealth, wherein the directors shall particularly regard the manufacturing and agricultural interest in the same, which loans shall be made in sums not exceeding five hundred dollars, nor less than one hundred dollars, to be secured by the personal bond of the borrower, and a satisfactory mortgage of real estate as collateral security, for the term of not less than one year, the interest on all such loans to be paid annually, and the estate so mortgaged subject to the same forfeitures and entitled to the same rights of redemption as is by law provided in other cases.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum.

SECT. 12. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void. [Feb. 26, 1825.] Repealed 1829 ch. 104.

Real estate.

Provisos.

1811 ch. 84.

Bond of cashier.

Number of directors.

Amount of bills in circulation.

Location.

Legislature may examine into the doings of the corporation.

First meeting.

By-laws.

Commonwealth may subscribe to the capital stock.

Corporation liable to pay original amount of altered notes.

Tax.

Loans for the encouragement of the agricultural and manufacturing interest.

Loans to the Commonwealth.

Capital stock shall not be sold for one year.

Chap. 1. An ACT authorizing the Selectmen of the town of Charlestown to regulate the Police in certain cases.

Power of selectmen.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the town of Charlestown be, and they hereby are authorized, to appoint as many special police officers, as they may think expedient, for the preservation of the peace, and for the apprehending persons guilty of any breach thereof, on the seventeenth day of the present month of June ; which police officers shall be sworn to the faithful discharge of the duties incumbent on them by such appointment, and shall have the same power, as is by the laws of this Commonwealth given to constables in the execution of the duties aforesaid, including a power to command assistance. [June 16, 1825.]

Chap. 2. An ACT to preserve the Forest and Wood Lands from fire, in the town of Sandwich, in the county of Barnstable.

1822 ch. 29.

When unlawful to set fire in the woods of Sandwich.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person to set fire or continue the same to any coal pit, for the manufacture of coal, in the woods and forests of the town of Sandwich, or for the purpose of burning the underbrush, for clearing up the lands within the limits of said town, except from and after the first day of October to the first day of March, in each year, and at no period of the year, save as above excepted, shall fires be allowed to be placed or continued in said town, except said coal pits be fired in the open fields, and not less than sixty rods from any forest, for the purposes above expressed, under the penalty of what shall hereafter be provided in this act.

Penalty for violation of this act.

SECT. 2. Be it further enacted, That if any person or persons shall be found guilty of violating the provisions of this law, or any owner of the land upon which the fire shall be so set, consenting thereto, or suffering the same to be done, he or they shall forfeit and pay, on conviction thereof, before any court of competent jurisdiction, the sum of five hundred dollars, to be recovered by the selectmen of said town of Sandwich, for the use and benefit of said town, for such offence, by indictment or information, and shall furthermore be answerable in damages to the individual proprietors of land, whose wood has been burnt by the violation of this law.

Selectmen charged with the execution of the law.

SECT. 3. Be it further enacted, That the selectmen of the said town of Sandwich, for the time being, be charged with the due execution of this law, and are hereby authorized to cause all fires commenced and continued for the purposes aforesaid, contrary to the provisions of this act, to be immediately extinguished.

Repeal of act, 1822 ch. 29, so far as it relates to Sandwich.

SECT. 4. Be it further enacted, That the act which passed on the fourteenth day of January, in the year of our Lord one thousand eight hundred and twenty-three, entitled an act to regulate the burning of coal pits in the towns of Plymouth, Kingston,

Carver and Wareham, in the county of Plymouth; and Sandwich, in the county of Barnstable, be repealed, so far as respects the town of Sandwich, after the passing of this act: *provided*, Proviso. *nevertheless*, that if any action or suit shall be pending under the provisions of said act, at the time of the passing of this act, they shall have day and full legal effect, as though no repealing clause respecting its operation on the town of Sandwich, had been inserted in this bill.

SECT. 5. *Be it further enacted*, That it shall not be lawful for any person to carry fire from any cabin or house in the woods of said town, without carrying the same in some covered vessel, under the penalty of twenty-five dollars, to be recovered in the manner provided in this act. [June 16, 1825.] Add. act, 1825 ch. 140. Unlawful to carry fire, unless in covered vessel.

An Act for the regulation of Lamps in the city of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the publication of this act, it shall be lawful for the mayor and aldermen of the city of Boston, for the time being, to cause to be set up and affixed such and so many lamps in the streets and other places in the said city, for the purpose of lighting the same, as they may determine to be convenient and necessary; and the said mayor and aldermen are hereby empowered to make all necessary contracts, rules, orders and regulations respecting the said lamps, and the lighting and keeping the same in repair, and the regulation and preservation of the same, as they may deem most for the benefit of said city. Chap. 3. June 29, 1773. (v. 3. Appx. p. 27.) 1796 ch. 69. Mayor and aldermen authorized to erect lamps.

SECT. 2. *Be it further enacted*, That whoever shall wilfully, maliciously, carelessly or wantonly break, throw down, extinguish, or otherwise injure any of the said lamps, or the posts, irons, or other furniture to the same belonging, shall be liable to the fines, penalties and forfeitures which are provided in and by an act, entitled "an act to prevent the wanton destruction of lamps," made and passed on the eighteenth day of February, in the year of our Lord one thousand eight hundred and twenty-four, to be recovered and appropriated in the manner provided in said act. Fines and penalties for injuring lamps. 1823 ch. 113.

SECT. 3. *Be it further enacted*, That the act entitled "an act for regulating lamps already set up, or that may hereafter be set up, for enlightening the streets, lanes, alleys or passage ways in the town of Boston, and to prevent the breaking or otherwise damnifying the same, and also establishing the method for paying the expenses that may arise in supporting or maintaining said lamps," be and is hereby repealed: *provided*, the said act shall remain in force as to all fines, penalties, and forfeitures, which have been incurred prior to the passing of this act, in and by virtue thereof. [June 16, 1825.] Repeal of act, passed June 29, 1773. (v. 3. Appx. p. 27.) made perpetual 1796 ch. 69.

Chap. 4.

An ACT to incorporate the New Bedford Institution for Savings.

Persons incor-
porated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Rotch, Jr., Gilbert Russell, Cornelius Grinnell, Andrew Robeson, Hayden Coggeshall, Benjamin Rodman, John A. Parker, Eli Haskell, Richard Williams, George Howland, Joseph Bourne, Abraham Shearman, Jr., William W. Swain, Thomas Rotch, Thomas A. Green, Charles W. Morgan, Samuel Rodman, Jr., John B. Smith, William C. Nye, Thomas S. Swain, William H. Allen, Lemuel Williams, Jr., John Howland, Jr., Charles H. Warren, William P. Grinnell, Joseph Richetson, Charles Grinnell, Nathan Bates, John Coggeshall, Junior, James Howland, the 2d, and Gideon Howland, be and they hereby are incorporated into a society, by the name, style, and title of the New-Bedford Institution for Savings, and that they and such others as shall be duly elected members of the said corporation, as in this act is provided, shall be and remain a body politic and corporate, by the same name, style, and title forever.

May receive de-
posits.

SECT. 2. *Be it further enacted,* That the said society and corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

Disposition of
income.

SECT. 3. *Be it further enacted,* That all deposits of money received by the said society, shall be by the said society used and improved to the best advantage ; and the income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors, administrators, or assigns, in just proportion, with such reasonable deductions, and the principal of such deposits may be withdrawn at such times, and in such manner as the said society shall direct and appoint.

Power to elect
members.

SECT. 4. *Be it further enacted,* That the said society and corporation shall, at their annual meeting in January, have power to elect by ballot any other person or persons as members of the said society.

Deeds and con-
veyances.

SECT. 5. *Be it further enacted,* That the said society may have a common seal, which they may change and renew at pleasure, and that all deeds, conveyances and grants, covenants and agreements made by their treasurer, or any other person by their authority and direction, according to their institution, shall be good and valid, and the said corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer, by the name, style, and title aforesaid.

Place and time
of meeting an-
nually.

SECT. 6. *Be it further enacted,* That the said society shall hereafter meet at New-Bedford, some time in the month of January, annually, and as much oftener as they may judge expedient ; and any seven members of the said corporation, the president, secretary, or treasurer being one, shall be a quorum, and the said society, at their meetings in January, annually, shall

have power to elect and choose a president, and all other such officers, as to them shall appear necessary, which officers so chosen, shall continue in office one year, and until others are chosen in their room ; and all officers so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

Election of officers.

SECT. 7. *Be it further enacted*, That the said society hereby are, and forever shall be, vested with the power of making laws for the more orderly managing the business of the corporation : *provided*, the same are not repugnant to the constitution or laws of this Commonwealth.

By-laws.

SECT. 8. *Be it further enacted*, That William Rotch, Jr., Esq. be, and he hereby is authorized, by public notifications in the New-Bedford newspapers, to call the first meeting of the said society, at such time and place as he shall judge proper.

First meeting.

SECT. 9. *Be it further enacted*, That the officers and agents of the said institution, shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them, concerning the same, under oath. And the Legislature may, at any time, make such further regulations for the government of said institution, as they may deem expedient, and may alter, amend, or repeal this act at pleasure. [June 16, 1825.]

Legislative examination and control.

An ACT to incorporate the Wadsworth Monument Association.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Hunt, Asher Goodnow, John Brown, Luther Goodnow, Adam How, Isaac Gibbs, Abel Dakin, Reuben Moore, Drury Fairbanks, Jonathan Fairbanks, Jr., John Hunt, William Rice, Levi Smith, Russell Haynes, Asa Balcom, David Lincoln, Warren Moor, David Howe, Warren Maynard, Varnum Balcom, Gardner Hunt, Hull Goodnow, Christopher G. Cutter, Luther Hunt, Timothy Johnson, William Brigham, Henry Richardson, Benjamin H. Richardson, Enoch Kidder, John Taylor, Ezra Bigelow, Samuel Knight, Edward Fisher, Gideon Richardson, and Israel H. Brown, their associates and successors be, and they are hereby, made a body politic and corporate by the name of "The Wadsworth Monument Association," with all the powers, and subject to all the duties of aggregate corporations, and for the purposes herein after named.

Chap. 5.

Persons incorporated.

SECT. 2. *Be it further enacted*, That said corporation shall have power to take and hold by gift, grant, or devise, such real and personal estate and property as may be necessary or convenient, to promote the objects of the incorporation, viz. the construction of a monument in Sudbury to perpetuate the memory of the gallant Captain Wadsworth and his associates, who fell in battle with the Indians, on the eighteenth day of April,

May hold real and personal estate, for the construction of a monument.

in the year of our Lord one thousand six hundred and seventy-six, on Green Hill, in Sudbury ; and such repairs as may be necessary to keep the same in good condition, the amount of said real estate not to exceed five hundred dollars, and of said personal estate not to exceed two thousand dollars.

First meeting.

SECT. 3. *Be it further enacted*, That the said William Hunt, Asher Goodnow, and Henry Richardson, or any two of them, may call the first meeting of said corporation, by posting up advertisements thereof, at two or more public places in said town of Sudbury, ten days at least before the time of said meeting, at which, or at any subsequent meeting, said corporation may choose such officers, agents, and trustees, as they may think proper, and establish such by-laws and regulations for their own government and the management of their concerns, not repugnant to the laws and constitution of this Commonwealth, as they may deem necessary, and the same may modify and annul at pleasure. [June 16, 1825.]

By-laws.

Chap. 6.

AN ACT to incorporate the Barton Point Association.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Bryant, William Sturgis, Samuel Whitwell, Junior, George Bond, Benjamin Seaver, and their associates, successors and assigns, be, and they hereby are constituted a body politic and associate, by the name of the Barton Point Association ; and the said corporation, by that name, is hereby declared and made capable to sue and be sued, to have a common seal, and the same to alter at pleasure ; to make rules and by-laws for the regulation and management of the affairs of the said corporation, consistent with the laws of this Commonwealth, and generally to do, execute, and perform all such acts, matters and things as belong and appertain by law to bodies politic.

Powers grant-
ed.

Choice of offi-
cers.

SECT. 2. *Be it further enacted*, That the members of the said corporation, at their first meeting, and afterwards, annually, on such day as shall be established by the by-laws, shall choose five directors, one of whom shall be the president, who shall have the general direction and management of their affairs ; a clerk who shall be under oath ; a treasurer, and such other officers and agents as the corporation shall deem necessary and expedient ; and the officers so chosen from time to time, shall hold their respective offices for one year and until others shall be chosen in their stead.

Real estate.

SECT. 3. *Be it further enacted*, That the said corporation be, and the same hereby is declared and made capable to have, hold and possess in fee simple or otherwise, all that real estate now or lately belonging to the city of Boston, and known by the name of the 'Alms-house Estate,' and any other real estate not exceeding in value one hundred thousand dollars, exclusive of said alms-house estate, with all the rights, privileges, and appurtenances to the same belonging : *provided*, the said corporation shall acquire the same by legal grant from the lawful proprietors

Proviso.

thereof. And the said corporation shall have power to sell, grant or convey, in fee simple or otherwise, any real estate which may be owned by it; and may lease, manage or otherwise improve the same, or any part thereof, in such form and manner as the directors, or the major part of them, shall, at any legal meeting, order and direct; and all deeds and instruments, for the conveyance or leasing of real estate, sealed with the common seal, and signed by the president, by authority of the directors, shall be binding on the said corporation.

Power to sell or lease real estate.

SECT. 4. *Be it further enacted*, That the property of said corporation shall be divided into shares, numbered progressively from number one; and each member of the corporation shall have a certificate signed by the president and treasurer, with the corporate seal affixed thereto, containing the number of the share held and owned by him, which shares shall be deemed and considered as personal estate; shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation, in a book to be kept for that purpose, and shall be liable to attachment on mesne process, and sale on execution, in the manner and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated companies; and upon the surrender of any certificate by the assignee of any share, to the treasurer of the said corporation, a new certificate shall be issued and delivered by him to such assignee.

Shares.
Transfer of shares.

SECT. 5. *Be it further enacted*, That the real estate and other property of the said corporation shall be liable to be attached on mesne process, and to be set off or sold on execution, against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process, and the said corporation shall be entitled to redeem any estate set off or sold, as aforesaid, upon the same terms and in the same manner as individuals are by law entitled to redeem the same.

Corporate estate may be attached and redeemed as property of individuals may be.

SECT. 6. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess on the stockholders, such sums of money, not exceeding in the whole three hundred dollars on each share, as may be deemed necessary for the purchase or improvement of any real estate, or the erection, alteration or repairing of any buildings, or for the incidental expenses of the corporation. And in case any member shall refuse or neglect to pay any such assessment, at the time fixed for the payment thereof, the directors shall cause so many of his shares to be sold by the treasurer, at public auction, to the highest bidder, giving notice of the time and place of sale, by publication in two newspapers printed in Boston, at least three times in each paper, the first to be not less than ten days before the sale, as shall be sufficient to produce the amount assessed and unpaid, and after deducting such amount, and all the charges of sale and advertising, the surplus, if any, shall be paid over to the delinquent proprietor upon demand; and the purchasers of the shares

Corporation may assess stockholders,

— and sell delinquents' shares.

sold as aforesaid, shall be entitled to receive certificates therefor, in form aforesaid.

Right of voting. SECT. 7. *Be it further enacted*, That in all meetings of the stockholders in the said corporation, each member shall be entitled to one vote for each share held by him : *provided*, that no member shall be allowed more votes than one third of the whole number of shares in the corporation ; and any member may appear and vote at any meeting by his proxy, appointed in writing.

First meeting. SECT. 8. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of the said corporation, by advertisement in any newspaper printed in Boston, three times, the first to be not less than ten days before the day appointed for such meeting ; and the corporation may at such, or any other meeting, agree on the mode of calling future meetings : *provided, however*, that all contracts which shall be made by said corporation, shall be binding on each one and all of those persons, individually, who shall be stockholders in said corporation when such contracts respectively are made, and on their respective heirs, executors and administrators, in the same manner as if such contracts had been made by such stockholder or stockholders, in his, her or their individual capacity. [June 16, 1825.]

Contracts binding on individual stockholders.

Chap. 7.

An Act to incorporate the First Congregational Society in Southwick.

Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Saul Fowler, Matthew Laffin, William Palmer, Reuben Dibble, Doras Stiles, Horace Moore, Salmon Foote, Chester Palmer, Abiel Cushman, Philip N. French, Reuben W. Dibble, Alexander A. Pomeroy, Norman Adams, Ebenezer R. Webb, Joel Hough, John H. Rising, Charles Bingham, Solomon Smith, Trueman Gillet, Phineas Stevens, Richard Mather, Uzal Rockwell, Horace Moore, Jr., L. W. Humphreys, Enoch Hine, Theron Spring, Jesse Stevens, Josiah W. Stevens, Thaddeus Foote, Silas Granger, Jerry Hine, Eliakim Stiles, Shem Loomis, Enos Foote, Abraham Rising, Jr., Daniel Palmer, Beman Palmer, Heman Laffin, Cutler Laffin, Williams Fowler, Edmund Fowler, John Mills, Friend Kellogg, David Ives, Alexander Rising, John Root, 2d, Samuel Byington, Aaron Frost, Daniel French, and Rowland Loomis, with such others as may associate with them, and their successors, be, and they hereby are incorporated into a society, by the name of the First Congregational Society in Southwick, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Powers and privileges.

First meeting. SECT. 2. *Be it further enacted*, That the first meeting of said society shall be convened by a warrant, to be issued by any justice of the peace in the county of Hampden, directed to any member of said society, requiring him to notify the members of said society, to meet at a suitable time and place, to be appointed in said warrant. [June 18, 1825.]

An Act in addition to an Act, entitled "An Act authorizing the United States to purchase a certain tract of land in Charlestown, for a Navy Yard," and in addition to an Act, entitled "An Act for incorporating certain persons for the purpose of laying out and making a Turnpike-road from Salem to Charles River Bridge, for building the necessary bridges on said road, and for supporting the same."

Chap. 3.

1800 ch. 26.
1801 ch. 63.
(v. 2. p. 506.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the consent of this Commonwealth be, and hereby is granted to the United States, to purchase, in addition to the tract of land now owned by the United States, situated in the north-easterly part of the town of Charlestown, in the county of Middlesex, and occupied as a navy yard, so much land adjoining thereto, as may be necessary for the purpose of rendering the boundary lines of the navy yard, bordering on the Salem turnpike, straight. The evidence of the purchase aforesaid to be entered and recorded in the registry of deeds, in the said county of Middlesex: *provided, always,* and the consent aforesaid is granted upon the express condition, that this Commonwealth shall retain a concurrent jurisdiction with the United States, in and over the tract of land aforesaid, so far as that all civil, and such criminal processes as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the said boundary lines of the said tract of land, may be executed therein in the same way and manner as though this consent had not been granted.

U.S. may purchase land in Charlestown.

Proviso.

SECT. 2. *Be it further enacted,* That the Salem Turnpike and Chelsea Bridge Corporation be, and they hereby are authorized and empowered to convey to the United States so much of the land now owned or possessed by them in the town of Charlestown, as may be necessary to make the boundary lines of the navy yard straight; and that the said Salem Turnpike and Chelsea Bridge Corporation be, and are hereby authorized and empowered to purchase so much land, in addition to the land now owned or possessed by them in Charlestown aforesaid, and adjoining thereto, as may be necessary to make the boundary lines of said turnpike road straight; and as may be necessary to enable them to make the turnpike road passing through the town of Charlestown, of the width required by their act of incorporation. [June 18, 1825.]

Turnpike and bridge corporation may sell land,

—and may purchase.

An Act in addition to an Act, entitled "An Act to establish a corporation by the name of the Plumb Island Turnpike and Bridge Corporation."

Chap. 9.

1805 ch. 41.
Preamble.

WHEREAS, in the said act, it is provided that there shall be an arch under the said bridge of fifty feet in width, the under side of the arch to be at least eight feet above high water mark, at a common tide.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the said act as requires the said arch to be eight feet in height, be, and the same is hereby repealed: *provided,* that the said arch be at all times as high as it was made at the last time the said bridge was repaired: *and provided, also,* that the Legislature may, at any time hereafter, repeal this act, and restore the provision in the act to which this is in addition. [June 18, 1825.]

Part of former act repealed.

Proviso.

Chap. 10. An Act in addition to an Act, entitled "An Act to incorporate the United States Insurance Company."

1824 ch. 132.

Increase of capital stock.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the United States Insurance Company be, and they hereby are, authorized to increase their present capital stock, by the additional sum of one hundred thousand dollars : *provided*, that one half the same shall be paid in money within sixty days; and the remainder within one year from the passing of this act. [June 18, 1825.] Add. act, 1825 ch. 142.

Chap. 11. An Act in addition to an Act, entitled "An Act to incorporate the Hampshire and Hampden Canal Company."

1822 ch. 59.

Authorized to reduce their toll.

Proviso.

Members not liable in their individual capacity.

One vote for every share.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Hampshire and Hampden Canal Company, be, and they hereby are authorized and empowered, at any future meeting of the said company, legally called and assembled for that purpose, to adopt regulations reducing their toll to any sum they may judge expedient, to make a difference in their toll between empty and full boats, and to vary their tolls according to the articles transported : *provided*, that in no case, shall a higher toll be demanded, or received, than is authorized by the act to which this is in addition.

SECT. 2. Be it further enacted, That the members of the said company, in their individual capacity, shall not be liable to respond such judgments and executions as may be awarded against the said corporation, but all such executions shall be levied only on the goods, estate, lands, rights, credits, and franchise of the said corporation, any thing in the act to which this is in addition, to the contrary notwithstanding.

SECT. 3. Be it further enacted, That instead of the ratio of votes fixed in and by the eleventh section of the act to which this is in addition, there shall be allowed one vote for each and every share in the common stock of the company. [June 18, 1825.] Add. acts, 1829 ch. 50 : 1832 ch. 47 : 1836 ch. 199.

Chap. 12.

Preamble.

An Act to incorporate the Trustees of the Burley Education Fund in Ipswich.

WHEREAS, William Burley, late of Beverly, in the county of Essex, Esquire, deceased, by his last will and testament, which has been duly approved and allowed, did give, for the use of the inhabitants of the town of Ipswich, in said county, an annuity, to continue for the term of ten years, "for the sole purpose of teaching poor children to read, and instructing them in the principles of the Christian religion;" and whereas, the executors of said William Burley, for the purpose of extending and perpetuating the pious and benevolent intentions of the donor, have agreed to pay the whole of said annuity in advance, to constitute a permanent fund for the purpose of educating children and youth in said town of Ipswich, on certain conditions, which said town have agreed to accept.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Lord, Jr., and William Conant, Jr., Esqrs., Josiah Brown and John Kimball, gentlemen, and Daniel Cogswell, merchant, all of said Ipswich, be, and hereby are, incorporated into a body politic, by the name of The Trustees of the Burley Education Fund in Ipswich, and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal, which they may alter at their pleasure; and they may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend to final judgment and execution, by the name aforesaid. Persons incor-
porated.

And said trustees and their successors, are hereby authorized to receive any donations for the purpose of promoting the education of children and youth in said town, and the same to place on the books and accounts to be kept by them, with the amount of each donation, and the time when made: *provided*, the annual income of said funds shall not exceed the sum of three thousand dollars; and the said trustees shall and may annually elect from their own body or otherwise, as they may think proper, a clerk, who shall be under oath faithfully to record the doings of said trustees, at their meeting, and a treasurer, to receive and apply the monies herein after mentioned, as herein after directed, who shall give bonds, with sufficient sureties, to said trustees, in such sum as they may direct, faithfully to perform his duty, and render an account of all monies which may come into his hands as treasurer aforesaid, and to be responsible for all negligence and misconduct in his office, and from time to time, such other officers or agents as may be necessary for the better managing of their funds; and also to make and ordain such rules, regulations, and by-laws, not repugnant to the constitution or laws of this Commonwealth, as they may from time to time think proper, and not less than three of said trustees shall constitute a quorum for doing business. Powers.

Trustees may
receive dona-
tions.

Elect officers.

SECT. 2. *Be it further enacted*, That the term of one of the trustees herein before named, in his said office, shall, by lot expire at the annual town meeting every second year following the passing of this act, at the expiration of which terms successively, the said town, at its annual meeting, shall elect by ballot, one suitable person, being an inhabitant of said town, in the place of him whose term so expires, to hold his office for ten years; and so the term of one member expiring biennially, a new election shall be made by said town at its annual meeting, in like manner, biennially, forever. And said trustees shall always be inhabitants of said town; and not more than two of said trustees shall be residents in any school district, while there shall be five such districts in said town: *provided, however*, that if the place of any one of said trustees should become vacant by death, resignation, removal from the town or otherwise, the said trustees shall have power to elect a member, by ballot, to fill the place, thus vacated, for the remainder of the term for which such per- Make rules and
by-laws.

Term of office
of trustees.

Filling of va-
cancies.

son may have been elected ; and if said town, at its annual meeting, when it shall come in course to make a new election in place of one whose term expires, shall refuse or neglect to make such election, then such election shall devolve on said trustees. And each of the persons herein before named, and every person hereafter elected a trustee, and accepting his office, shall, before entering on its duties, make solemn oath that he will faithfully and impartially discharge the duties of his office, according to the best of his abilities and understanding.

Funds to be put out at interest, and permitted to accumulate.

SECT. 3. *Be it further enacted*, That the sum to be received by said trustees of said executors, and all other sums of money or other property, which may come to their hands in aid of their funds, be faithfully put out and secured at interest, or vested in some productive public stocks, or in real estate, as they shall judge best, and on receipt of any interest, dividend, or income, the same shall forthwith be added to the principal, and become part thereof ; and the whole fund be thus kept accumulating for the full term of ten years ; after which time, if the annual income of all the permanent funds in the hands of said trustees shall be less than one hundred dollars, the said trustees shall appropriate a sum not exceeding thirty dollars, annually, of said income, to the purpose of promoting the education of children and youth in said town, according to their necessities, and the best discretion of said trustees, special regard being always had to the interests of the poor, the residue of said income to be added to, and become part of the principal, until such income shall be one hundred dollars ; after which said trustees shall annually appropriate a part, not exceeding one half of said annual income to the purpose aforesaid, in manner aforesaid, the residue to be added to the principal as aforesaid, until such income shall be one thousand dollars ; after which, said trustees shall annually appropriate a part not exceeding three-fourths of said annual income, to the purpose aforesaid, in manner aforesaid, the residue to be added to the principal as aforesaid, until such annual income shall be three thousand dollars ; after which, said trustees shall annually appropriate a sum not exceeding the whole of said annual income to the purpose aforesaid, in manner aforesaid forever. But no part of the principal or capital sum thus accumulated shall ever be expended : *provided, nevertheless*, that nothing herein contained shall prevent said trustees from expending and appropriating, for the purpose of promoting education in said town, any part or the whole of the interest or principal of any donation hereafter to be made to them, according to the directions of the donor, expressed at the time of making such donation.

Proviso.

Trustees may employ teachers.

SECT. 4. *Be it further enacted*, That said trustees and their successors, shall have power to appoint and employ some suitable person or persons as teacher or teachers of children and youth in said town, from time to time, or to provide schooling in any suitable school in said town, or procure suitable books, stationery, or other necessary articles for poor children, for the purpose of enabling them to attend school to advantage, according to the

best discretion of said trustees, and as the state of the funds in their hands will admit, agreeably to the provisions of this act.

SECT. 5. *Be it further enacted*, That it shall be the duty of said trustees and their successors, to receive, manage, and improve all such estate, real, personal and mixed, as may hereafter come to them in their said corporate capacity, for the purpose of promoting education as aforesaid, by gift, grant, devise, or otherwise, by operation of law, in such way and manner as in their judgment will best obtain and secure the end of their incorporation; and they are also hereby authorized and empowered to lease, sell or convey, in fee simple or otherwise, all or any part of the estate which may come to them in their corporate capacity, and for that purpose to make, execute, and acknowledge any good and sufficient deed or deeds thereof, which deed or deeds, when signed by the treasurer, by direction of said trustees, and sealed with their common seal, shall be valid in law to convey such estate to the purchaser, according to the conditions and meaning of such instrument, but in no case contrary to the intention of the donor clearly expressed.

Receive estate and dispose of the same.

Deeds.

SECT. 6. *Be it further enacted*, That the said trustees and their successors shall make a report in writing, to said town, annually, of their proceedings, and the state of their funds. And said trustees and their successors, and each of them shall at all times, be accountable to said town for any negligence, misconduct, or wilful mismanagement of said funds; and the debt or damage recovered by said town, in any civil court, having jurisdiction of the same, for such negligence, misconduct, or mismanagement, shall be replaced in said funds, and applied accordingly; and such trustee or trustees shall be held and considered thereby to be removed from his or their said trust, and the vacancy or vacancies thus made, shall be supplied in manner as is herein before provided, except that, when a majority of said trustees shall be guilty as aforesaid, such vacancies shall be filled by said town at any meeting which may be legally called for that purpose.

Annual report of proceedings to be made to the town.

Accountability of trustees.

SECT. 7. *Be it further enacted*, That said trustees shall be entitled to a reasonable compensation, to be paid by said town, for their services and risk in managing and taking care of said funds and estate; but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

Trustees to be paid by town.

SECT. 8. *Be it further enacted*, That said Nathaniel Lord, Jun., be, and he hereby is authorized to fix the time and place for holding the first meeting of said trustees, and to notify each trustee thereof. [June 18, 1825.]

First meeting.

An ACT to establish the Sterling Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Solomon Howe, Jonathan D. Merriam, Ephraim Howe, Amos Sawyer, William Barns, Silas Felton, Rufus Hastings, Elijah Hale, Dexter Fay, Jedediah Wood, Cyrus Shephard, and Timothy Jones, together with such others as have associated, or may

Chap. 13.

Persons incorporated.

hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Sterling Turnpike Corporation, for the purpose of making a turnpike-road, to begin near the river bridge, a few rods south of Richardson's tavern, in the west part of Sterling; thence in nearly a straight course to the Cookshire school-house, in said Sterling; thence to the southwardly end of Shakum pond, by the houses of Cyrus Belknap and John Smith; thence near the houses of Jacob Stone and Levi Howe, Junior, to Nashua river; thence to the road leading from Sawyer's mills to Berlin meeting-house, near Berlin line, and near the guide board on the road; and shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties contained in "an act entitled an act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto. [June 18, 1825.]

Course of road.

Powers and privileges.

1304 ch. 125.

Chap. 15.

An Act to incorporate the Congregational Church in Purchase Street, in the city of Boston.

Persons incorporated.

Powers and privileges.

Real and personal estate.

First meeting.

By-laws.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Davis, Lewis Tappan, Henry H. Fuller, and Charles G. Loring, and all others who may associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Congregational Church in Purchase Street, in the city of Boston, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled, by the laws and constitution thereof.

SECT. 2. *Be it further enacted,* That the said society shall be capable in law, to purchase, hold, and dispose of any estates, real or personal, for the use of said society, the annual income of all which, shall not exceed five thousand dollars.

SECT. 3. *Be it further enacted,* That any two of the above named persons hereby are authorized to notify the first meeting of the members of the said corporation, by advertising the time and place thereof, in one or more of the public newspapers, printed in said Boston, three days at least before such meeting, and that the said society may at such or any other meeting agree on the mode of calling other meetings, and elect a clerk and treasurer, and such other officers, and such committees, and establish such rules and by-laws, not inconsistent with the constitution and laws of the Commonwealth, as they shall see fit, and the same may remove and change at pleasure. [June 18, 1825.]

Chap. 17.

An Act to incorporate the President, Directors, and Company of the Manufacturers' and Mechanics' Bank in Nantucket.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Francis G. Macy, Hezekiah Barnard, Griffin Barney, John B. Macy, Jonathan I. Barney, and Daniel Jones, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors, and Company of the Manufacturers' and Mechanics' Bank, of

Nantucket, and shall so continue from the passage of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled, “an act to incorporate the president, directors, and company of the State Bank,” except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted : *provided however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of capital stock actually paid in.

Powers and
privileges.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned,

Capital stock.

divided into shares of one hundred dollars each, which shall be paid in, at such times as the stockholders may direct ; fifty per centum, however, to be paid in on or before the first day of January next, and the residue within one year from the passing of this act ; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act ; and the stockholders, shall, at their first meeting, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine, and the said corporation is hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifteen thousand dollars, and no more at any one time, with power to bargain, sell, dispose of and convey the same by deed, under the seal of said corporation, and signed by the president or two of the directors, and to loan and negotiate their monies and effects by discounting on banking principles, and such securities as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to the said corporation : *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in and existing in gold and silver in the vaults, shall amount to seventy-five thousand dollars, nor until said capital stock, actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that

Shares and
when to be
paid in.

Real estate.

Proviso.

Capital to be
inspected by
comissioners,
and return
thereof made.

said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money of said bank until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Number of directors.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Nantucket ; and the whole number of directors shall be nine, and a majority of the board shall be inhabitants of said town. And no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said bank.

Loans to the Commonwealth.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by four annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum. *Provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital stock then paid in.

Proviso.

First meeting.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any newspapers printed in Nantucket, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

Commonwealth may subscribe to capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature may appoint directors.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have the right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of the stock actually paid in to said bank, if at any time hereafter they shall see fit to exercise that right.

SECT. 8. *Be it further enacted*, That the cashier, before he

enters upon the duties of his office, shall give bond, with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office. Cashier to give bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday in October and April annually, the half of one per centum on the amount of stock which shall have actually been paid in. Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, unless such note is printed or impressed with the stereotype plate, and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in said bill or note. Corporation shall pay original amount of altered notes.

SECT. 11. *Be it further enacted*, That in case this act shall not be put in operation according to the provisions thereof, within one year from the time of passing the same, then it shall become void. Condition of this act.

SECT. 12. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act. [June 18, 1825.] Add. act, 1830 ch. 58. Capital stock shall not be sold for one year.

An Act to incorporate the Congregational Church and Society of Pitts street, in Boston.

Chap. 18.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Tilden, Thomas Townsend, George Carpenter, Israel Decker, Thomas Wetherbee, John H. Whitney, Nathaniel Trumbull, Ephraim Whitney, Richard Bond, William Bates, William McLellan, Benjamin Longley and Charles Farrar, together with such others as may associate with them, and their successors, be, and they hereby are incorporated into a religious society, by the name of the Congregational Church and Society of Pitts street, in Boston, with all the powers and privileges to which parishes and religious societies are entitled by the constitution and laws of this Commonwealth. Persons incorporated.

SECT. 2. *Be it further enacted*, That said society be, and they hereby are authorized and empowered to raise, by assessments on the pews and seats which may be made and built in any house they may erect, all such sum or sums of money for the settlement of a minister of the gospel, repairing of said house, and other expenses incident to parishes, at any legal meeting called for that purpose. [Name changed 1826 ch. 15.] Powers and privileges.

SECT. 3. *Be it further enacted*, That said society may have Authorized to raise money by assessments on pews. By-laws.

power to order and establish such regulations, rules and by-laws for their government, and the management of their concerns, as they may see fit: *provided*, the same are not repugnant to the laws of this Commonwealth.

First meeting. SECT. 4. *Be it further enacted*, That the first named three persons in the first section of this act, may call the first meeting of the said body corporate, by having public notice thereof given on the Lord's day previous, at the mission-house, so called, in Boston, by [the minister officiating there. [June 18, 1825.] Add. act, 1826 ch. 15.

Chap. 19. An ACT authorizing the taxing of the Pews in the Meeting-house of the First Baptist Society in the town of Salisbury.

Empowered to raise money by tax on pews. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the First Baptist Society in the town of Salisbury, in the county of Essex, be, and hereby are empowered to raise, by a tax on the pews in their meeting-house, such sum or sums of money as the said society may hereafter vote to raise, at any legal meeting for that purpose, for the support of ministerial and other necessary charges, in addition to such further sum or sums as they may have raised, or may hereafter raise, on the polls and estates of the members of said society.

Assessors to apportion taxes on pews. SECT. 2. *Be it further enacted*, That the assessors of said society shall be empowered and required, equitably to apportion the taxes to be assessed on said pews, according to their relative value, and such taxes, so assessed, shall be given to the collector of said society for collection, with such other taxes as may be raised on the polls and estates of the members thereof; and all such pews as shall remain two years from the time of the assessment of the tax thereon, the same, or any part thereof, being unpaid, it shall be the duty of the collector of said society, and he is hereby empowered to sell at public auction, to the highest bidder; and he shall execute a deed or deeds to the purchaser or purchasers, which shall give to him or them a perfect right and title to such pew or pews, as may be by said collector so sold; said deed or deeds being recorded in the usual manner with other deeds of said society: *provided, however*, that the said collector shall, before he proceeds to make sale of any delinquent pew or pews, be required to give at least ten days notice of the time and place of vendue, by posting up one advertisement at said meeting-house, and one at some other public place in said town of Salisbury, stating the number or numbers of the pew or pews to be sold, with the amount of the tax due thereon.

Collector to sell pews on which taxes are not paid.

Proviso.

May adjourn sale.

SECT. 3. *Be it further enacted*, That in case an adjournment of the sale of pews shall appear to the collector to be necessary, he may adjourn the sale for a time, not exceeding ten days, until the sales are completed; and in all cases he shall pay over on demand, to the former owner or owners of pews, the balance in his hands, arising from the sales, after deducting the taxes due, and reasonable charges for advertising and selling the same. [June 18, 1825.]

AN ACT to establish the Bridgewater Iron Manufacturing Company.

Chap. 20.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathan Lazell, Seth Johnson, Silas Bullard, John Fuller, Abisha Stetson, Jacob Perkins and Nathan Lazell, Jun., together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Bridgewater Iron Manufacturing Company, for the purpose of manufacturing iron, and its various modifications, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and in the several acts passed in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactures aforesaid. [June 18, 1825.]

Real and personal estate.

AN ACT to incorporate the Bolivar Manufacturing Company, in the town of Canton.

Chap. 21.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Messinger and Freeman Fisher, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Bolivar Manufacturing Company, for the purpose of manufacturing cotton and wool in the town of Canton, in the county of Norfolk, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord eighteen hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may hold and possess such real estate, not exceeding in value the sum of twenty-five thousand dollars, and such personal estate, not exceeding in value the sum of fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and wool in said town of Canton. [June 18, 1825.]

Real and personal estate.

AN ACT to incorporate the President, Directors and Company of the Blackstone Bank.

Chap. 22.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Capron, Bezaleel Taft, Benjamin Adams, Amariah Chapin, Samuel Judson, Joseph Day, John Thayer, Jun., Sylvanus Holbrook, George Wall, Royal Farnum, Effingham L. Capron, William C. Capron, Alpheus Baylies, Paul Whitin, Ezekiel Wood, Samuel Reed, George Carpenter, Dan-

Persons incorporated.

Powers and
privileges.

Proviso.

Capital stock.

Shares, and the
manner of pay-
ing them in.

Real estate.

Provisos.

iel Carpenter, Thomas Farnum and Abiel Jaques, with their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Blackstone Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and are hereby made capable in law, to sue and be sued, to plead and be impleaded, defend and be defended, in any court of record, or any other place whatever; and also to make, have and use a common seal; and to ordain, establish and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns: *provided*, such by-laws, ordinances and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein contained.

SECT. 2. *Be it further enacted*, That the capital stock of said bank shall consist of the sum of one hundred thousand dollars in gold and silver, in shares of one hundred dollars each, to be paid in the following manner, viz.:—one third part thereof on or before the first day of November next, one third part thereof on or before the first day of February next, and the residue thereof on or before the first day of June next, or at such earlier time as the stockholders at any meeting may order. And no dividend of profits shall be declared or paid on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper: *provided, however*, that nothing herein contained shall prevent said corporation from taking and holding real estate on mortgage, or on execution, to any amount as security for, or in payment of any debt due to said corporation: *and provided, further*, that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

SECT. 3. *Be it further enacted*, That the rules, limitations, and provisions, which are provided in and by the third section of an act, entitled “an act to incorporate the president, directors and company of the State Bank,” shall be binding on the bank hereby established, in the same manner as though specially recited in

this act; excepting that the bond to be given by the cashier, shall be given in the penal sum of twenty thousand dollars; and the number of directors to be annually chosen shall be nine, and be inhabitants of and residents within the county of Worcester, in said Commonwealth, and accountable for the doings of the whole board, five of whom may constitute a quorum for transacting business: *provided*, that the amount of bills of the said bank in circulation, shall not at any time exceed the amount of the capital actually paid in.

Cashier's bond.

Number of directors.

Amount of bills in circulation.

SECT. 4. *Be it further enacted*, That said bank shall be established and kept in the town of Uxbridge, in the county of Worcester.

Location.

SECT. 5. *Be it further enacted*, That any committee, especially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon such examination it shall be found, and after a full hearing of said corporation thereon, be determined, by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

Legislature may examine into the doings of the bank.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any one of them, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same, three weeks successively, in the Massachusetts Spy, and National Ægis, two papers printed in Worcester, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

First meeting.

SECT. 7. *And be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation herein before provided for. And whenever the Commonwealth shall become interested in said bank, the governor and council shall have a right to appoint four additional directors for the management of the same.

Commonwealth may subscribe to the capital stock.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of said bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank counterfeited, unless such note is printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note; and no loan or discount shall be made, nor shall any bill or note be

Corporation to pay the original amount of altered notes.

issued by the said corporation, or by any person on their account, in any other place than at the said bank.

Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of April next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Loans to the Commonwealth.

SECT. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum.

Capital stock to be holden by original subscribers one year.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing of this act. And in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void. [June 18, 1825.] Add. act, 1830 ch. 58.

Chap. 23.

An Act to establish the Tolland and Otis Turnpike Corporation.

Persons incorporated.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Henry Hamilton, Jonathan Hamilton, Joseph Stillman, Jun., John Rogers, Nathan Hall, Elijah Owen, Jun., Charles H. Little, William Moore, Marvin Moore, Allyn Bidwell and V. R. Paine, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Tolland and Otis Turnpike Corporation, for the purpose of making a turnpike road from the line of the state of Connecticut, at Hartland hollow, thence in a northwest direction on Hubbard's brook, through a part of Granville and Tolland; thence in the best course till it meets the turnpike road near Bevil Seymour's, in Otis; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," passed the fifteenth [sixteenth] day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto. [June 18, 1825.]

Course of the turnpike.

1804 ch. 125.

Chap. 24.

An Act to incorporate the New England Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Darius B. Holbrook, Levi Meriam, Charles P. Dexter and Levi Brigham, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the

New England Manufacturing Company, for the purpose of manufacturing cotton, woollen and linen goods, in the town of Grafton, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord eighteen hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding in value the sum of two hundred thousand dollars, and such personal estate, not exceeding in value the sum of three hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, woollen, and linen goods.

Real and personal estate.

SECT. 3. *Be it further enacted*, That any one of the persons named in this act be, and is hereby authorized to appoint the time and place for holding the first meeting of said corporation and notify them thereof, either by personal notice or otherwise. [June 18, 1825.]

First meeting.

An Act for the incorporation of the Proprietors of the First Unitarian Church in Danvers.

Chap. 25.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Gideon Foster, Oliver Saunders, John W. Proctor, Jonathan Shove, Nathaniel West, Nathaniel Putnam, Moses Black, John Endicott, John Peirce, Joseph Tufts, Jun., Benjamin Goodridge, Abner Sanger, Asa Sawyer, Joseph Shaw, Jun., William Sutton, Jun., Oliver C. Felton, Ward Pool, Jun., George Southwick, Joseph W. Carey, Rufus Wyman, Edward Upton, Levi Preston, Jun., John Porter, Caleb Low, Isaac Elliot, Benjamin Wheeler, Wingate Merrill, Moses Dole, Ebzaphon Prince, Timothy Holmes, Phineas Chadwick, and Andrew Torr, and all other persons who now are, or hereafter may become proprietors of and in the First Unitarian Church in Danvers, in the county of Essex, their successors and assigns, shall be, and hereby are created and established as a religious society and body corporate and politic, by the name of the First Unitarian Church in Danvers, and by that name may sue and be sued, plead and be impleaded, and possess and enjoy all the privileges, powers, and immunities, to which parishes and other religious societies are by the constitution and laws of this Commonwealth entitled; and shall have authority to take, hold and possess by grant, gift, devise, or otherwise, any real or personal estate, for the purpose of supporting public worship and other religious parochial and charitable purposes, not exceeding the annual income of five thousand dollars; and shall also have authority to choose and appoint all such officers, and make all such by-laws and regulations as may seem to them expedient for the due government of the said society, and the management of their funds, and other parochial concerns: *provided*, such by-laws and regulations shall be in no wise

Persons incorporated.

Powers and privileges.

Estate.

By-laws.

contrary to the constitution and laws of this Commonwealth ; and all meetings of the said society shall be called and warned in such manner as the by-laws and regulations thereof shall provide.

Pew owners
only to vote.

SECT. 2. *Be it further enacted*, That at all meetings of the said society, the proprietor or proprietors of the pews, and no other persons, shall be entitled to vote, allowing one vote for every pew. But the society may nevertheless, by their by-laws and regulations, provide for the admission of the occupant or occupants of any pew to vote in the choice of any minister to be settled over the said society.

Pews may be
taxed.

SECT. 3. *Be it further enacted*, That the said society shall have full power and authority, at any meeting duly called for that purpose, to assess on the pews in the said church, all such taxes as may be necessary or proper for the maintenance of public worship, and the repairs and preservation of their house, and for all other parochial charges and expenses, according to the relative value of the pews in the same, as this shall be established by an appraisal in conformity with the by-laws of said society ; and the taxes so assessed shall be a lien on the same pews respectively, and in case of the non payment of the tax or taxes so assessed for the space of two * successive years after the same shall be so assessed, the pew or pews respectively on which the same shall be assessed, shall be forfeited to the said society, and may be sold at public auction, in such manner as the said society shall by their by-laws and regulations provide, and the net proceeds of said sale, after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor of the pew so sold, or to his assigns ; and the society shall have full authority to convey to the purchaser of any pew so sold, a good and valid title, as proprietor thereof.

[* one year,
1832 ch. 138.]

Pews may be
sold, if taxes are
not paid.

Annual meet-
ing.

SECT. 4. *Be it further enacted*, That there shall be an annual meeting of the society on the first Monday of May in every year, at which meeting, or any other meeting duly called, the said society may choose their officers, who shall hold their offices during one year, and until others are chosen in their stead ; and may also assess all taxes for the maintenance of public worship, and other parochial charges and expenses, and exercise all and any other powers which under this act of incorporation the said society are enabled at any time to exercise.

Membership.

SECT. 5. *Be it further enacted*, That any person who shall unite in religious worship with the said society, by becoming a proprietor or occupant of any pew, in their house of public worship, in part or in whole, and shall obtain a certificate thereof from the clerk of the said society, that he hath so united in public worship with them, shall, from and after obtaining such certificate, and filing the same with the clerk of the society left, be exempted as well in person as in estate, from all taxation for the support of religious worship in every other religious society, so long as he shall continue a proprietor or occupant as aforesaid.

First Meeting.

SECT. 6. *Be it further enacted*, That the first meeting of said society may be called by the said Gideon Foster, Oliver

Saunders, and John W. Proctor, or any two of them, by an advertisement in some newspaper printed in Salem, seven days before the time of holding such meeting; and at such meeting all business may be transacted, which should be done at any annual meeting, and all the proceedings may be had to organize the said society, and to carry into effect all the powers given in this act to the said society, in the same manner as if they were herein specially enumerated. [June 18, 1825.] Add. act, 1832 ch.138.

AN ACT to incorporate the Green River Manufacturing Company.

Chap. 26.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joel Parker, Charles Williams, Thomas Gilbert, John J. Peirce, and David Willard, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a corporation, by the name of the Green River Manufacturing Company, for the purpose of manufacturing cotton and wool, both, or either of them, on Green river, in the county of Franklin, and for that purpose, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and disabilities prescribed and contained in an act entitled “an act defining the general powers and duties of manufacturing corporations,” passed the third day of March, one thousand eight hundred and nine, and in the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate, not exceeding thirty thousand dollars, and personal estate not exceeding one hundred seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and wool in the said county of Franklin. [June 18, 1825.]

Real and personal estate.

AN ACT to incorporate the Middlesex Mechanics' Association.

Chap. 27.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Feckharm and Micajah Rice, with all those who have or who may associate with them, be, and they are hereby incorporated, and made a body politic and corporate, by the name of the Middlesex Mechanics' Association, and by that name shall be known in law, and said corporation shall have power to have and keep a common seal, to contract and negotiate, sue and be sued, make by-laws and regulations, and do all other acts which may be necessary to effect the objects of their creation.

Persons incorporated.

Powers.

SECT. 2. *Be it further enacted,* That the said corporation shall have the power to purchase, hold and enjoy real estate to the amount of twenty thousand dollars, and personal estate, credits and effects to the amount of eighty thousand dollars, and to alienate and manage the said property as they may see fit: *provided,* that the income of said corporation, from whatever source, shall be always employed and expended for the purpose of re-

Real and personal estate.

[Additional real estate 1835 ch. 9.]

Expenditure of income.

lieving the distresses of unfortunate mechanics and their families, of promoting inventions and improvements, by granting premiums for said inventions and improvements, and of establishing a suitable library for the information and instruction of mechanics in their respective arts.

Legislature
may alter or re-
peal this act.

SECT. 3. *Be it further enacted*, That the Legislature shall have power to alter, or annul and repeal this act, whenever it shall in their opinion be expedient.

First meeting.

SECT. 4. *Be it further enacted*, That the said Samuel Feckharin and Micajah Rice, or either of them, be, and hereby are empowered to call the first meeting of said corporation, by advertising in any newspaper printed in the county of Middlesex, fifteen days before the proposed meeting, the time and place when and where said meeting is to be held, and at which the said corporation may proceed to organize the same. [June 18, 1825.] Add. act, 1835 ch. 9.

Chap. 28.

An Act to incorporate the First Episcopal Society in Southwick.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Miller, Zur Root, Oliver Root, Nathan Saunders, Truman Warner, Samuel Talmage, Rhodolphus Gillet, Sardis Gillet, Simeon Aldrich, Horace Perkins, Fredini C. Halcomb, Austin Stocking, Socrates Gillet, Eli L. Moore, Thomas Casson, Reuben Moore, Moses Gillet, Lucius Beach, Morey Aldrich, Solomon Tuttle, Argabus D. Preston, Oliver Halcomb, David Lownsbury, Roger Moore, Joseph Forward, Gideon Root, Oliver Root, 2d, William Moore, Ebenezer K. Mason, Zebina Mason, Jairus Mason, Samuel Smith, Amos Webb, Samuel Clark, Plin Clark, George Forward, Walter Perkins, Josiah T. Webb, Pliny Forward, with such others as may associate with them, and their successors, be, and they hereby are incorporated into a society, by the name of the First Episcopal Society in Southwick, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Powers and
privileges.

First meeting.

SECT. 2. *Be it further enacted*, That the first meeting of said society shall be convened by a warrant, to be issued by any justice of the peace in the county of Hampden, directed to any member of said society, requiring him to notify the members of said society, to meet at such time and place as shall be designated in said warrant. [June 18, 1825.]

Chap. 29.

An Act to incorporate the Massachusetts Gas Light Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Etheridge, John Windship, Daniel White and Ebenezer A. Lester, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Massachusetts Gas Light Company, for the purpose of making gas to supply gas lights in the city of Boston, or any other town or city in this Commonwealth, and for that purpose

shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding in value thirty thousand dollars, and such personal estate, not exceeding in value sixty thousand dollars, as may be necessary and convenient for carrying on the said business of making gas for the purposes aforesaid. [June 18, 1825.]

Real and personal estate.

An ACT in further addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Bedford Commercial Bank." Chap. 30.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Bedford Commercial Bank be, and they hereby are authorized

1815 ch. 83.

to increase their present capital stock, the sum of one hundred thousand dollars, in addition to the sum of one hundred and fifty thousand dollars, which the said incorporation is authorized to hold

Increase of capital stock.

by the act, entitled "an act to incorporate the President, Directors and Company of the Bedford Commercial Bank," and by

1815 ch. 83.

the act entitled "an act in addition to an act, entitled an act to incorporate the President, Directors and Company of the Bedford Commercial Bank," which said sum shall be divided into shares of one hundred dollars each, any thing in the acts aforesaid to the contrary notwithstanding.

1821 ch. 6.

SECT. 2. *Be it further enacted*, That the sum which shall be added to the capital stock of said corporation, by virtue of this act, shall be subscribed and paid in, in gold and silver, under the control of the directors for the time being, within one year from

When additional sum shall be paid.

the first day of July next: *provided*, that the said corporation shall not loan any money, nor discount any bills on the additional capital hereby authorized, until they shall have produced satisfactory evidence to the governor and council, that the said additional sum of one hundred thousand dollars has been paid in, and actually exists in gold and silver in their vaults: *and provided, also*, that the additional stock aforesaid shall be subject to the like tax, regulations, rules, restrictions and provisions, under which the present capital stock of said corporation is now holden. [June 18, 1825.] Add. act, 1830 ch. 58.

Provisos.

An ACT in addition to an Act, entitled "An Act to incorporate the Lynn Wire Manufacturing Company." Chap. 31.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,

1813 ch. 107.

That any justice of the peace, within either of the counties of Suffolk, Essex or Middlesex, may, on application by John Clark of Cambridge, or any other member of the Lynn Wire Manufacturing Company, or interested therein, issue a notification to the

Justice of peace may issue notification of meeting.

Proviso.

members of the said corporation, to meet at some convenient time and place, to be named in said notification, for the purpose of choosing the proper officers provided by law or the by-laws of said corporation, and to transact such other business as they may deem proper, agreeably to said act and to the laws of this Commonwealth; and the doings of the said corporation, pursuant to this act, the act and laws aforesaid, shall be as good and valid, as they would have been under their act of incorporation aforesaid, had they continued to elect officers and to act as a corporation, without intermission to the present time: *provided, however*, that such notification shall be served upon all persons interested, or shall be published in one of the newspapers printed in Boston, thirty days at least before the time fixed for the meeting aforesaid, any law or usage to the contrary notwithstanding. [June 18, 1825.]

Chap. 32.

An Act to alter and establish a part of the boundary line between the towns of Rowley and Boxford, in the county of Essex.

Preamble.

WHEREAS a part of the boundary line between the towns of Rowley and Boxford, in the county of Essex, has heretofore been by the easterly side of the road leading from Salem to Haverhill, in said county; and whereas the said road has of late been so widened and altered, as to leave that part of said boundary line in or near the centre of said road. Therefore,

Alteration of boundary line.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the boundary line between said towns of Rowley and Boxford, as is now upon or within the limits of said road, shall be so altered and changed as to correspond with what is now the easterly side of the same as lately widened and located, and the said line as altered and established, is as follows, viz.:—beginning at the stake and stones on the original line, by the easterly side of said road, and by land of Moses Spofford, then south thirteen degrees east, sixteen rods, south thirty-six degrees east, six rods by the easterly side of said road to a heap of stones, by land of the heirs of Jonathan Wood, and land of Stephen Spofford, which heap of stones is the southwesterly corner bound of the said town of Rowley, as the line is now altered and established, and the same shall, after the passing of this act, be the boundary line between the two towns, any law, usage or custom to the contrary notwithstanding. [June 18, 1825.]

Chap. 33.

An Act to incorporate the Protestant Episcopal Parish of St. John's Church in Ashfield.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Bethuel Lilley and Simeon Philips, church wardens, George Hall, David Williams, Austin Lilley, Lot Hall, Herod Stocking, vestry men, with such other persons, either residing in Ashfield or the adjacent towns, as are, or may hereafter be associated with them, and their successors, be, and they are hereby incorporated into a society, by the name of the

Protestant Episcopal Parish of St. John's Church in Ashfield, with all the privileges, powers and immunities which parishes enjoy by the laws of this Commonwealth.

Powers and privileges.

SECT. 2. *Be it further enacted*, That said society shall have power to order and establish such rules, regulations and by-laws, for the admission of members, and the management of their concerns, as they may think proper: *provided*, the same are not repugnant to the constitution and the laws of this Commonwealth. [June 18, 1825.]

Rules, regulations and by-laws.

An Act to incorporate the Hampden Bank.

Chap. 34.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abner Post, Joseph Forward, Enos Foot, Augustus Collins, James Fowler, Thomas Ashley, Arch's Morgan and Robert Whitney, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the Hampden Bank, and shall so continue from the passing of this act, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one. And the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank shall not exceed the amount of their capital stock actually paid in.

Persons incorporated.

Rights and privileges.

1811 ch. 34.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year after the passing of this act, or at such earlier time as the stockholders may order, at any meeting regularly holden therefor. And no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars, and no dividend shall be declared on the capital stock of said bank until the whole of said capital stock shall have been paid in, conformably to the provisions of this act; and the stockholders shall, at their first meeting, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to

Capital stock.

Shares, and the manner of paying them in.

Transfer of stock.

Real estate.

them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed under the seal of said corporation, and signed by the president, or two of the directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, and shall have been examined and certified in the manner prescribed in the act aforesaid.

Provisos.

Location.

Number of directors.

SECT. 3. *Be it further enacted*, That the said bank shall be established in the town of Westfield, and the number of directors shall be nine, five of them shall be necessary to constitute a quorum for transacting business; and a majority of the directors shall always be residents in said town of Westfield. And no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, in any other place than at the said bank.

Loans to the Commonwealth.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum: *provided, however*, that the Commonwealth shall never stand indebted to the corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

Proviso.

First meeting.

SECT. 5. *Be it further enacted*, That any three of the persons herein before named may call the first meeting of said corporation, by advertising the same three weeks successively in the Hampden Register, printed in Westfield, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

Commonwealth may subscribe to the capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall by law make provision therefor, to subscribe a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall by the Legislature be made and established.

SECT. 7. *Be it further enacted*, That whenever the Com-

monwealth shall subscribe to the capital stock of said corporation, in manner herein before provided, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Legislature
may appoint
directors.

SECT. 8. *Be it further enacted*, That the cashier, before entering on the duties of his office, shall give bond with sufficient sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Cashier to give
bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of April next, shall pay, by way of a tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday in April and October annually, the half of one per centum on the amount of stock actually paid in.

Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, [and] shall also be liable to pay to any *bona fide* holder the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Corporation
shall pay orig-
inal amount of
any altered
note.

Stereotype
plate.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this act. And in case the same shall not be put in operation according to the provisions thereof, within the year aforesaid, it shall be void. [June 18, 1825.] Add. act, 1830 ch. 58.

Conditions of
this act.

AN ACT to incorporate the Swift River Manufacturing Company.

Chap. 35.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Jones, Leonard Woods, Elihu Lyman, Simeon Waters, Mark Doolittle, Ichabod Pope, Abner Hale, and Josiah B. Woods, their associates, successors and assigns, are hereby incorporated by the name of the Swift River Manufacturing Company, to be located in Enfield, for the purpose of manufacturing woollen and cotton goods, with all the powers and privileges, and subject to all the duties and requirements prescribed in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of

Persons incor-
porated.

Powers and
privileges.

1808 ch. 65.

March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may hold personal estate, not exceeding fifty thousand dollars, and real estate, not exceeding thirty thousand dollars, for the purpose of carrying on the manufactures aforesaid. [June 18, 1825.]

Chap. 36.

An ACT to change the names of the several persons therein described.

Suffolk.

Essex.

Middlesex.

Worcester.

Hampshire.

Norfolk.

Bristol.

Plymouth.

Suffolk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Dunn, may take the name of John C. Dunn; that John Fessenden, may take the name of John Peirce Fessenden; that Asaph Churchill Leeds, may take the name of Theodore Churchill Leeds; that Pierre Francois Henry Thomas Wilson Melvill, a minor, may take the name of Thomas Wilson Melvill; that Lucius Champlin Parker, may take the name of Samuel Parker; that Thomas Jefferson Shed, may take the name of Samuel Adams Shed, all of Boston, in the county of Suffolk; that Charles Holland, may take the name of Lucius Deluce; that Charles Putnam, may take the name of Charles Fisk Putnam, both of Salem, in the county of Essex; that John Park, Jun., of Groton, in the county of Middlesex, may take the name of John Gray Park; that Eliza Gardner, may take the name of Elizabeth Greenleaf Gardner; that Esther Sewall Gardner, may take the name of Ann Sewall Gardner, both of Leominster; that Henry Lane, of Lancaster, may take the name of Jonas Henry Lane; that Clarissa Lee, of Douglas, may take the name of Clarissa Johnson, all of the county of Worcester; that Richard Lard, of Enfield, in the county of Hampshire, may take the name of Richard Gardner; that Ebenezer Penniman, Jr., of Braintree, in the county of Norfolk, may take the name of Daniel Penniman; that John Clapp, may take the name of Henry Porter Clark; that Abigail Clapp, his wife, may take the name of Abigail Jackson Clark, both of Easton; that Zebina Sumner, of Taunton, may take the name of Edward H. Sumner, all of the county of Bristol; that Asa Briggs, of West Bridgewater, may take the name of Henry Ellis Briggs; that Henry Wade, of Scituate, may take the name of Henry Stockbridge Wade, both of the county of Plymouth; that Aaron Ayres, of Boston, in the county of Suffolk, physician, may take the name of Aaron Andrews. And the said several persons herein named, shall hereafter be called and known by the names, which by this act they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names. [June 18, 1825.]

Chap. 37.

An ACT to incorporate the President, Directors and Company of the Merchants' Bank of New-Bedford.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Rotch, Timothy G. Coffin, David R. Green, William H. Allen, Elisha Haskell, Gideon Allen, Na-

thaniel Nelson, Elisha Dunbar, Robert Hillman, Ephraim Kempton, Abraham Barker, Lemuel Williams, Jun., Thomas Riddle, Job Eddy, William R. Rotch, Paul Spooner, Ichabod Clapp, and Robert Ingraham, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the Merchants' Bank, in New-Bedford, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, and by that name, shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever ; and also to make, have, and use a common seal ; and to ordain, and establish, and put in execution, such by-laws, ordinances and regulations, as to them may appear necessary and convenient for the government of said corporation, and the prudent management of their affairs : *provided*, such by-laws, ordinances and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth ; and said corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Powers and
privileges.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred and fifty thousand dollars, in gold and silver, divided into shares of one hundred dollars each ; which shall be paid in at four equal instalments, the first on the first day of September next, and the second, third, and fourth instalments at any time thereafter within twelve months from the passing of this act, or at such earlier time as the stockholders at any meeting thereof may order ; and the stockholders, at their first meeting, by a majority of votes, may determine the mode of transferring and disposing of said stock and the profits thereof which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, and their successors, and assigns, lands, tenements, and hereditaments, to the amount of twelve thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to said corporation : *provided, further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to seventy-five thousand dollars.

Capital stock.

[Increased 1827
ch. 42 : 1830
ch. 104.]
Shares and the
manner of pay-
ing them in.

Real estate.

Provisos.

SECT. 3. *Be it further enacted*, That the rules, limitations and provisions which are provided in and by the third section of an act, entitled "an act to incorporate the president, directors, and company of the State Bank," shall be binding on the bank

1811 ch. 84.

Bond of cashier.	hereby established, in the same manner as though specially recited in this act, excepting that the bond required to be given by the cashier, shall be given in the penalty of thirty thousand dollars ;
Number of directors.	that the number of directors to be annually chosen, shall be nine, and five may constitute a quorum for the transaction of business : and a majority of said directors shall be residents of said town :
Amount of bills in circulation.	<i>and provided, also,</i> that the amount of bills in circulation, issued from said bank, shall not at any one time exceed their capital stock actually paid in.
Location.	SECT. 4. <i>Be it further enacted,</i> That said bank shall be established and kept in the town of New-Bedford.
Charter how forfeited.	SECT. 5. <i>Be it further enacted,</i> That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.
First meeting.	SECT. 6. <i>Be it further enacted,</i> That Joseph Rotch, Tim. G. Coffin, William H. Allen, Gideon Allen, David R. Green, and Elisha Haskell, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same three weeks successively in the New-Bedford Mercury, and Gazette, newspapers printed in New-Bedford, for the purpose of making, ordaining, and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.
Commonwealth may subscribe to capital stock, and appoint directors.	SECT. 7. <i>Be it further enacted,</i> That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth, a sum not exceeding seventy-five thousand dollars, to be added to the capital stock of said corporation herein before provided for, and whenever the Commonwealth shall become so interested in said bank, the governor and council shall have a right to appoint four additional directors for the management of the same.
Bank liable to pay original amount of altered notes.	SECT. 8. <i>Be it further enacted,</i> That the said corporation shall be liable to pay to any <i>bona fide</i> holder, the original amount of any note of said bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any <i>bona fide</i> holder, the amount of any note of said bank counterfeited, unless such note is printed or impressed with the stereotype plate ; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note at [<i>of</i>] said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed on said bill or note ;
Stereotype plate.	

and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at said bank.

SECT. 9. *Be it further enacted*, That said corporation, from Tax. and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SECT. 10. *Be it further enacted*, That whenever the Legis- Loans to the Commonwealth. lature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act. And in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void. Conditions of this act.

SECT. 12. *Be it further enacted*, That no dividend of profit shall be declared, or paid on the capital stock of said bank, until the whole of said stock shall have been paid conformably to the provisions of this act. [June 18, 1825.] Add. acts, 1827 ch. 42 : 1830 ch. 58—104. No dividends to be made until capital is paid in.

An ACT to incorporate the Third Calvinistic Baptist Society in the town of Middleborough, in the county of Plymouth.

Chap. 38.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elisha Rider, Elisha Clark, Isaac Cushman, Job Shearman, Barnabas Perkins, Elias Cushman, John Benson, George Cushman, Josiah Barrow, Standish Rider, William Nelson, Aberdeen Keith, Isaac Cushman, third, Foster H. Keith, Zenas Bishop, Samuel P. Keith, Ransom Fisk, Asabel Hacket, Zebedee Cobb, Ancil Wood, Ancil Wood, Jun., John Carver, Asa Barrows, Elias Cushman, third, Ebenezer Smith, David A. Vaughan, Zebulon Cushman, Samuel Cobb, Jonathan Cobb, Josiah Leonard, Moses Gibbs, Reuben Gibbs, Abiel Peirce, Nathan Rider, Moses Shaw, Nathan Shearman, Otis Perry, and Eli Peirce, all of Middleborough, in the county of Plymouth, and Allen Thatcher, and Joshua Benson, of Rochester, in said county, with their families and estates, together with such other persons as may hereafter associate with them, be, and they are hereby incorporated into a religious society, by the name of the Third Calvinistic Baptist Society in the town of Middleborough, in the county of Plymouth, with all the privileges, powers, and immunities to which parishes, and religious societies are entitled by the constitution and laws of this Commonwealth. Powers and privileges.

SECT. 2. *Be it further enacted*, That the members of said

Authorized to
raise a fund.

corporation are hereby authorized to raise, by donation or subscription, a fund for the purpose of supporting a calvinistic minister of the baptist denomination in said society : *provided*, the annual income thereof shall not exceed six hundred dollars ; and all subscribers to said fund shall be holden, by law, to pay the same according to the subscription.

Trustees of
fund.

SECT. 3. *Be it further enacted*, That said fund shall be under the direction and management of five trustees, to be chosen annually by said society, who shall be under the direction of the society, and shall account with said society or their committee annually for the same.

Interest only to
be used.

SECT. 4. *Be it further enacted*, That said fund shall be put at interest, the interest of which, and that only, shall be applied to pay the salary of a minister before described, and no part of the principal of said fund shall ever be expended.

First meeting.

SECT. 5. *Be it further enacted*, That Isaac Stevens, Esquire, is hereby authorized to issue his warrant for the calling the first meeting of said society, for the choice of officers, and for organizing said society. [June 18, 1825.]

Chap. 39.
1823 ch. 27.

An ACT in addition to " an Act to incorporate the North Parish Congregational Funding Society, in Wrentham."

Money not to
be paid without
an order from
trustees.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the treasurer of said Funding Society shall not pay out of the treasury any money, without an order from the trustees, in conformity to some vote of the society ; any thing in the act to which this is an addition, to the contrary notwithstanding. [June 18, 1825.]

Chap. 40.

An ACT to incorporate the Trustees of the Poors' Fund in the town of Charlestown.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James K. Frothingham and others, selectmen of the town of Charlestown, and Thomas Miller, Amos Tufts and Matthew Skilton, deacons of the First Congregational Church, William Arnold and James Fosdick, deacons of the Baptist Church, Moses Hall, Daniel Tufts and Joseph Gould, deacons of the Universalist Church, Joseph Phipps and Elias Phinney, deacons of the New Church, all of said Charlestown, for the time being, and their successors in the said offices of selectmen and deacons, for the time being, be, and they hereby are, made a body politic and corporate forever, by the name of the Trustees of the Charlestown Poors' Fund, for the purpose of managing certain donations, given and bequeathed at different periods of time, by Richard Russell, Esq., Captain Richard Sprague, Mr. Thomas Call, and Richard Devens, Esq., all formerly inhabitants of the said Charlestown, and such other funds as may come into their hands for like purposes ; and the said trustees, by the name aforesaid, may sue and be sued, prosecute and defend suits, with power of substitution, and may have a common seal, and the same may alter and renew at pleasure ; and the two

Powers and pri-
vileges.

senior deacons of all regularly organized religious churches, which may hereafter be constituted in said town of Charlestown, shall be considered as members of said board of trust : *provided*, that, whenever any new society shall be constituted in said town, the board of trust shall be composed of the selectmen and two senior deacons from each church, for the time being, and their successors in said offices. Proviso.

SECT. 2. *Be it further enacted*, That the said trustees may choose a treasurer and other necessary officers, and may adopt all needful by-laws and regulations for the government of the corporation, not repugnant to the constitution and laws of this Commonwealth, and the same may alter as they may find expedient and necessary. Officers and by-laws.

SECT. 3. *Be it further enacted*, That the said trustees shall have full power to receive and hold all money, securities, and other estate, real or personal, now constituting the said Poors' Fund, and also to receive and hold all gifts, grants and donations, real and personal, that may hereafter be made to increase the said fund, and the same to manage and put on interest, and to apply the income thereof, annually, for the relief of the poor of said town forever, conformably to the true intent and meaning of the several donors : *provided, however*, that the annual income of said fund, shall not exceed the sum of two thousand dollars. Trustees may receive and hold the Poors' Fund.

SECT. 4. *Be it further enacted*, That the said trustees shall have power to make sale of any of their property, real or personal, purchased or given, as they shall judge most for the interest of their said trust, unless that which shall be given, be expressly otherwise appropriated by the donor ; and all monies arising from such sale and the subsequent income, shall be applied to the same use to which the property sold and the income thereof were respectively applicable, and all deeds, conveyances, contracts and other instruments, duly authorized by the board at a regular meeting, and signed by the president and attested by the secretary, shall be good and valid. Trustees may sell property.

SECT. 5. *Be it further enacted*, That James K. Frothingham be, and he hereby is authorized to call the first meeting of the trustees, at such time and place as he shall think proper. First meeting.
[June 18, 1825.]

An Act to establish the Third Congregational Precinct in Rochester, Middleborough and Freetown.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel Morton, Job Morton, Caleb Briggs, Jacob Bennett and John Perkins, and their successors, be, and they hereby are constituted a body politic and corporate forever, by the name of the Trustees of the Third Congregational Precinct in Rochester, Middleborough and Freetown ; and may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid. Chap. 41.

[Title changed 1826 ch. 17.]
v. also 1792 ch. 66. (v. 1. p. 430.)
and 1793 ch. 60. (v. 1. p. 509.)
Persons incorporated.

Powers.

SECT. 2. *Be it further enacted*, That said trustees be, and

Trustees may
receive funds.

hereby are vested with, and shall have full power to receive into their hands all monies and securities for money, and all bequests and subscriptions which may now be in the possession of said precinct, or the treasurer thereof, and all monies, subscriptions, donations, bequests and securities for real or personal estate, which hereafter may be raised, given or made, for the use of said precinct, and the said trustees are hereby empowered, by purchase or operation of law, to take, have, hold, use, improve and

Real and per-
sonal estate.

manage any estate, real, personal or mixed, the annual income whereof shall not exceed the sum of one thousand dollars, in trust for the support and maintenance of the gospel ministry, and other expenses of said precinct ; and any gift, grant, bequest or devise hereafter made to said trustees, or their successors, shall be valid and effectual to all intents and purposes whatever, *provided, however,* that the funds of said precinct shall be unalienable, that its proceeds shall in no case be appropriated but for the benefit of said precinct ; and that the capital or principal of said fund shall never be encroached upon, or at any time reduced.

Proviso.

Board of trus-
tees.

SECT. 3. *Be it further enacted,* That any three of said trustees shall constitute a board for the transaction of business, but the concurrence of that number shall be necessary to every act and proceeding whatever ; and said trustees shall fill all vacancies at their board, as they shall arise from death, resignation, incapacity, or removal from the Commonwealth.

Officers and
by-laws.

SECT. 4. *Be it further enacted,* That said trustees shall choose a treasurer, who shall be under bond for the faithful performance of his duty, and such other officers as they may deem expedient, and shall have power to make such rules, regulations and by-laws, not inconsistent with the constitution and laws of this Commonwealth, as they judge necessary for the convenient transaction of their business. [June 18, 1825.] Add. act, 1826 ch. 17.

Chap. 42.

An ACT to incorporate the President, Directors and Company of the Millbury Bank.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Asa Waters, Amasa Wood, Caleb Burbank, Joseph Goffe, William M. Benedict, Orra Goodale, Simon Farnsworth, Charles Prentice, Charles Parkman, with their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Millbury Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one, and by that name shall be, and are hereby made capable in law to sue and be sued, to plead and to be impleaded, defend and be defended, in any court of record, or any other place whatever ; and also to make, have and use a common seal ; and to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns : *provided,* such by-laws,

Powers and
privileges.

Proviso.

ordinances and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the capital stock of said bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, to be paid in the following manner—one third part thereof on or before the first day of November next, one third part thereof on or before the first day of February next, and the residue thereof on or before the first day of June next, or at such earlier time as the stockholders at any meeting may order; and no dividend of profits shall be declared or paid on the capital stock of said bank, until the whole of said stock shall have been paid in, conformable to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors, and assigns, lands, rents, tenements, and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper: *provided however*, that nothing herein contained, shall prevent said corporation from taking and holding real estate on mortgage, or on execution, to any amount, as security for, or in payment of any debt due to said corporation: *and provided further*, that no money shall be loaned, or discounts made, nor shall any bill be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

SECT. 3. *Be it further enacted*, That the rules, limitations and provisions, which are provided in and by the third section of an act entitled “an act to incorporate the President, Directors and Company of the State Bank,” shall be binding on the bank hereby established, in the same manner as though especially recited in this act, excepting that the bond to be given by the cashier shall be given in the penal sum of twenty thousand dollars, and the number of directors to be annually chosen shall be nine, and be inhabitants of and residents within the county of Worcester, in said Commonwealth, and accountable for the doings of the whole board, five of whom may constitute a quorum for transacting business: *provided*, that the amount of bills of the said bank in circulation, shall not at any one time exceed the capital actually paid in.

SECT. 4. *Be it further enacted*, That the said bank shall be established and kept in the town of Millbury, in the county of Worcester; and a majority of the directors shall always be resident in said town, and all of them in the county of Worcester; and no loan or discount shall be made, nor shall any bill or note

Capital stock.

When to be paid in.

Transfer of stock.

Real estate.

Provisos.

1811 ch. 34.

Cashier's bond.

Number of directors.

Bills in circulation.

Location of bank.

be issued by the said corporation, or by any person on their account, in any other place than at the said bank.

Charter, how
forfeited.

SECT. 5. *Be it further enacted*, That any committee, especially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

First meeting.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any one of them, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same three weeks successively in the Massachusetts Spy and National Ægis, two papers printed in Worcester, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

Commonwealth
may subscribe
to capital stock,
and appoint
directors.

SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation herein before provided for, and whenever the Commonwealth shall become so interested in said bank, the governor and council shall have a right to appoint four additional directors for the management of the same.

Bank liable
to pay original
amount of al-
tered notes.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank altered to a larger amount in the course of its circulation, notwithstanding such alteration; and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank counterfeited, unless such note is printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Stereotype
plate.

Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of April next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Loans to the
Common-
wealth.

SECT. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in,

reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual interest, at a rate not exceeding five per centum per annum.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void. [June 18, 1825.] Add. act, 1830 ch. 132.

Capital stock shall not be sold for one year.

An ACT to incorporate the Second Congregational Society in the town of North Bridgewater.

Chap. 43.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abiel Kingman, Micha Packard, David Cobb, Jun., Nathan Hayward, Gideon Harvard, David Packard, Marcus Shaw, Jesse Packard, John Battles, Hiram Atherton, Nahum I. Smith, Newton Shaw, Anthony S. Allen, Edwin Kuth, Washburn Packard, Asa Britt, Harvey Hersey, Samuel Thayer, Samuel Howard, Eliphalet Thayer, Oliver Snell, Jun., Zebah Thayer, Sihon Packard, Jun., Appollos Howard, Wihome Howard, Caleb Howard, Jun., Azor Packard, Simeon Dunbar, Nathaniel H. Cross, Joseph S. Packard, Joseph D. Snell, Zenas Packard, Jun., Stillman Willis, Silas Snow, Silas Snow, Jun., John Curtis, Hosea Packard, Asa Shaw, Sainuel Packard, William Curtis, Jun., Isaac Packard, Isaac Richards, John Field, Zophar Field, Austin Howard, Josiah W. Curtis, Richmond Carr, Otis Howard, David Edson, third, Luke P. Lincoln, Thomas Reynolds, Azel Reynolds, Oliver Snell, Isaac Snell, Jeremiah Snell, James J. Sanders, Daniel Bryant, Ara Battles, Abijah Childs, Thomas White, Thomas White, Jun., Arza Leonard and John White, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of the Second Congregational Society in the town of North Bridgewater, with all the privileges, powers and immunities which other religious societies in this Commonwealth are by law entitled to, and may purchase, receive by gift, or otherwise, real estate [to] the value of which shall not exceed the sum of eight thousand dollars.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That it shall and may be lawful for all deeds hereafter to be given on the sale of any interest in a meeting-house, which may be erected for the use of said society, to be recorded by the clerk of said society, in a book to be especially provided for that purpose; and all deeds, legally executed and recorded as aforesaid, shall be deemed sufficient in law, any law or usage to the contrary notwithstanding.

Deeds to be recorded by clerk.

SECT. 3. *Be it further enacted*, That any justice of the peace for the county of Plymouth, upon application therefor, be, and is hereby authorized and empowered to issue his warrant to some member of said society, requesting him to notify the first

First meeting.

meeting of said society, at such convenient time and place as may be appointed in said warrant, for the election of officers, and to transact such parochial business as may be authorized in said warrant. [June 18, 1825.]

Chap. 44.

An ACT to incorporate the *Ætna Insurance Company* in Boston.

- SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Hales, Daniel Sargent, Henry Lunt, Nathaniel G. Snelling, Lewis Tappan, Charles Thacher, John T. Apthorp, Thomas Wigglesworth, Henry Lee, and William Lawrence, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the *Ætna Insurance Company*, with power to insure manufactories, and other buildings and property against fire; and to be governed and controlled by the provisions contained in a law of this Commonwealth, entitled “an act to define the powers, duties and restrictions of insurance companies,” passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, so far as they may apply to a corporation established for the exclusive purpose of insuring against the risk of fire, and with authority to make insurances against fire, on buildings, machinery, and stock employed in manufacturing, and on dwelling-houses and all other buildings and property liable to be burned or injured by fire, for and during the term of twenty years after the passing of this act: and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, their real estate shall not exceed the value of one hundred thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.
- SECT. 2.** *Be it further enacted*, That the capital stock of said company shall be one million of dollars, and said capital shall be divided into shares of one hundred dollars each, the whole of which shall be paid in quarterly payments, in three, six, nine and twelve months after the first meeting of the company, fifty per cent. of which shall be secured, agreeable to the provisions contained in the third section of an act “to define the powers, duties and restrictions of insurance companies,” passed February the sixteenth, in the year of our Lord one thousand eight hundred and eighteen. The residue of the capital shall be invested in such manner as the directors may in their discretion think proper, for the ample security of the same.
- SECT. 3.** *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by twenty-five directors, one of whom shall be president thereof, and who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their

Persons incor-
porated.

[Name changed
1832 ch. 39.]

Powers and
privileges.
1817 ch. 120.

Real estate.

Capital stock.

When to be
paid.

1817 ch. 120.

Number of di-
rectors.

election, which shall be on the second Wednesday in January, in every year, at such time of the day, and at such place in Boston, as a majority of the directors for the time being shall appoint, of which election public notice shall be given, in two of the newspapers printed in Boston, and continued for the space of ten days preceding such election, which shall be made by ballot, and by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *provided*, that no stockholder be allowed more than thirty votes; and the stockholders not present may vote by proxy; and if, from any cause, the directors should not be chosen on the second Wednesday in January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

SECT. 4. *Be it further enacted*, That the directors, shall meet as soon as may be after every election, and choose from their board one person to be president, who shall be sworn to the faithful discharge of the duties of his office, and every vacancy in the office of president or directors, that may occur in the interim of the annual meetings, may be filled by a special election in the manner herein prescribed for the annual elections. President.

SECT. 5. *Be it further enacted*, That the president and four directors, or five directors in the absence of the president, shall be a board competent to transact the business of the company, and all questions before them shall be decided by a majority of the board; and they shall have power to make such rules and by-laws as they may deem proper for the management of the affairs, and security of the property of said company, and have power to appoint a secretary, and such other officers as they may think necessary; and make such compensations as they may deem adequate to the services performed: *provided*, that such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth. Board of directors.
By-laws.

SECT. 6. *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call a first meeting of said company, for the purpose of organizing and carrying the same into operation, by giving notice in two of the newspapers printed in Boston, four days previous to the time of holding such first meeting. First meeting.

SECT. 7. *Be it further enacted*, That said company shall never take, on any one risk, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeable to the provisions contained in this act. Limitation of risks.

SECT. 8. *Be it further enacted*, That the said Ætna Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [June 18, 1825.] Liability to be taxed.
Add. acts, 1832 ch. 39 : 1833 ch. 3.

AN ACT to incorporate the Columbian Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer D. Ammidown, Moses Plympton, and

Chap. 45.

Persons incorporated.

Powers and privileges.
1808 ch. 65.

Samuel Hartwell, Jr., together with such others as may hereafter be associated with them, and their successors, be, and they are hereby made a corporation, by the name of the Columbian Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, and grinding grain, in the town of Southbridge and county of Worcester; and for these purposes, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for the purposes assigned. [June 18, 1825.]

Chap. 46. An ACT in addition to an Act, to incorporate the Boston and Springfield Manufacturing Company.

1822 ch. 48.

Increase of capital stock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston and Springfield Manufacturing Company, be, and they hereby are allowed to increase their capital stock the sum of five hundred thousand dollars, to be divided into shares of one thousand dollars each; and that said corporation may invest and hold a part of their whole capital, not exceeding three hundred thousand dollars, in real estate, and the residue in personal estate. [June 18, 1825.] Add. act, 1826 ch. 113. Name changed.

Chap. 47. An ACT to incorporate the Mount Pleasant Cotton and Woollen Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Upham, John A. Smith, Emory Washburn, James Smith, Nathaniel P. Denny, and Joshua Clapp, their associates, successors, and assigns, be, and they hereby are made a corporation by the name of the Mount Pleasant Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Leicester, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the acts in addition thereto.

Powers and privileges.

1808 ch. 65.

Capital stock.

SECT. 2. *Be it further enacted*, That the capital stock shall not exceed the sum of two hundred thousand dollars, personal, and one hundred thousand dollars real estate. [June 18, 1825.]

Chap. 48. An ACT in addition to an Act, entitled "An Act for regulating and disposing of the fish called alewives, within the limits of the town of Weymouth, and for the more effectually securing to the said town the advantages thereof."

1800 ch. 73.
(v. 2, p. 434.)

Preamble.

WHEREAS, an agreement has been entered into between the proprietors of the falls and water privileges on Alewife river,

and the town of Weymouth, for the removal of the objections which exist in the minds of said proprietors under the act to which this is in addition, to the use of their water power, for manufacturing purposes ; in pursuance of said agreement—

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the water falls and mill privileges on Alewife river, in Weymouth, be, and they are hereby authorized and empowered to erect proper fish ways, which shall be satisfactory to commissioners to be appointed as is herein after provided, and said commissioners, when thus appointed, shall have full power to settle difficulties which may arise between the town and said proprietors, on the complaint of either party, and the cost of such meeting shall be awarded to either party by the commissioners.

Fish ways to be erected.

SECT. 2. *Be it further enacted,* That his excellency the governor, with advice of council, be, and he is hereby authorized and empowered to appoint three suitable persons to be commissioners for the purposes aforesaid. And it shall be the duty of said commissioners, when any complaint is filed by either party, to give reasonable notice to the other party, of the time and place fixed for enquiring into and deciding on the same, and in case of disagreement, the decision of any two of said commissioners shall be final.

Commissioners to be appointed.

SECT. 3. *Be it further enacted,* That whenever any obstruction shall be made to the passage of said fish into Whitman's pond, and repassing from thence to the sea, instead of the fish committee appointed by said town, having power as is provided by the act to which this is in addition, to enter the land of any person or persons, for the purpose of removing such obstructions, it shall be the duty of said committee to make complaints thereof to the commissioners aforesaid ; who shall proceed to consider, examine and decide upon the same, according to the provisions of this act.

Fish committee to make complaints to commissioners.

SECT. 4. *And be it further enacted,* That such parts of the act to which this is in addition, as is inconsistent with the provisions of this act, be, and the same is hereby repealed. [June 18, 1825.] Add. act, 1836 ch. 198.

Repeal of former act in part.

An ACT to incorporate the Merchants' Insurance Company, in New Bedford.

Chap. 49.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John A. Parker, William H. Allen, Gideon Allen, Timothy G. Coffin, Abraham Barker, David R. Green, Elisha Haskell, Joseph Brown, Eli Haskell, Hayden Coggeshall, George Randall, Gideon Randall, Stephen Merrihew and Lemuel Tripp, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Merchants' Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a

Persons incorporated.

Powers and privileges.

- 1817 ch. 120. law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth,
- 1819 ch. 141. entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; for and during the term of twenty years after the passing of this act, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of twelve thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.
- Real estate.
- Capital. **SECT. 2.** *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, ten per cent. of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within ninety days after public notice given by the president and directors, chosen by the stockholders, in the newspapers printed in New Bedford, and the residue shall be secured by a deposit of stock of some bank within this Commonwealth, or such other security as may be approved by three fourths of the directors, and be paid in such sum or sums, at such time or times, and under such penalties, as the said president and directors shall, in their discretion, direct and appoint.
- When to be paid in.
- Number of directors. **SECT. 3.** *Be it further enacted*, That the stock, property, affairs and concerns of the said company shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this
- Time and place of elections. Commonwealth, and shall be elected on the first Monday of January, annually, at such time of the day and in such place in New Bedford, as the directors for the time being shall direct; of which election public notice shall be given, in one or more newspapers printed in New Bedford, ten days at least previous to the meeting, and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each
- Right of voting. share in the capital stock: *provided*, that no stockholder shall be allowed more than ten votes, and absent stockholders may vote by proxy under such regulations as the said company shall prescribe; and if, by any accident, the directors should not be chosen on the said first Monday of January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided; and it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of
- Secretary may call meeting of stockholders.

twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in said New Bedford, as they shall direct, for the purposes mentioned in such application, by giving the like notice thereof, as is herein required for the election of directors.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful performance of the duties of his office, and who shall preside for one year; and in case of death, resignation, or inability to serve, of the president, or any directors, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the same manner as is herein before provided, respecting annual elections of directors.

Election of president.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the conduct and duties of the several officers, clerks and servants employed, and the election of the directors, and all such matters as appertain to the business of insurance; also shall have power to appoint a secretary, and so many clerks for carrying on the said business, and with such salaries and allowances to them, and to their president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Board of directors.

By-laws.

Proviso.

SECT. 6. *Be it further enacted*, That any five of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same in one or both newspapers printed in New Bedford, in two successive papers, for the purpose of electing their first board of directors, who shall remain in office until the first Monday in January next, and until others shall be elected in their stead: *provided, however*, that this charter shall be void and of no effect, unless put in operation agreeably to the terms of it, within one year from and after the passing of this act: *and provided, also*, that said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital of said company shall have actually been paid in, and secured in manner before provided.

First meeting.

Charter, how forfeited.

SECT. 7. *Be it further enacted*, That said company shall never take on any one risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, agreeably to the provisions of this act.

Limitation of risks.

Location.

SECT. 8. *Be it further enacted*, That said insurance company shall be located and kept in the town of New Bedford.

Liability to be taxed.

SECT. 9. *Be it further enacted*, That said Merchants' Insurance Company shall be liable to be taxed by a general law providing for the taxation of all similar corporations.

Stock shall not be sold for one year.

SECT. 10. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year after this charter shall be put into operation as aforesaid. [June 18, 1825.]

Chap. 50.

Preamble.

An ACT to incorporate the Trustees of the Ministerial Fund in the town of Lynnfield.

WHEREAS a religious society, of the congregational denomination, was established in Lynnfield, in the year of our Lord one thousand seven hundred and twenty, and the said society, on the second day of September, in the year of our Lord eighteen hundred and eighteen, did form and adopt a constitution, for the purpose of raising and establishing a fund for the support of the gospel ministry in the said town, according to the faith and order of the congregational persuasion; and the committee of the said society, in their behalf, have petitioned for an act of incorporation to carry into effect the intention of forming the said constitution.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Needham, Andrew Mansfield, John Perkins, John Briant and Elijah Hewes, their successors and assigns, shall be, and hereby are made a corporation, in perpetual succession, as trustees of the fund hereby established, for the support of the gospel ministry in the town of Lynnfield, by the name of the Trustees of the Lynnfield Society for the support of the gospel ministry, and for this purpose shall have and exercise the powers and privileges usually granted to like corporations, and in the due care and management of the said fund, shall be directed and governed by the following rules, viz.:—First, any person who shall pay twenty dollars, at any one time, shall be a member for life, and any person who shall pay one dollar, and shall afterwards annually pay fifty cents into the parish treasury, shall be a member of said society so long as he continues to pay said sum; and any member not paying annually his subscription, shall cease to be a member, and shall have no right to vote in the affairs of the said society; and any settled minister of the gospel, of the congregational denomination, who may desire it, may be an honorary member of the said society. Second, the officers of the said corporation shall be a chairman, treasurer, a clerk, and three directors, and no one person shall be eligible to any of the above offices for more than three years successively, nor to more than one office at any one time, and only two directors shall be elected in any one year who have served as directors the preceding year; the appropriations of all monies shall be made by the directors; and the chairman, with the consent of

Powers and privileges.

Terms of membership.

Officers.

one of the directors, may call special meetings ; or, in the absence of the chairman, any two of the directors may call such meetings. Third, a permanent fund shall be provided for the support of a minister of the congregational persuasion, of which only five sixth parts of the interest may be expended, from all the bequests, donations, grants, subscriptions, or otherwise, the aggregate of which shall form the said fund, and form a portion of the annual receipts, which shall be from time to time determined by the said directors. Fourth, the treasurer shall give bond with two sufficient sureties, in a reasonable sum to be determined by the directors, for the faithful discharge of his duty, which shall be to vest the property of the society in the safest and most productive forms according to the instructions of the directors, to make such payments as they may order, and annually to render to the said society a written account of all receipts and expenditures during the passed year, and the present state of the fund, and the manner in which it is invested and secured. Fifth, none of the above described sums shall be drawn out of the treasury until the capital stock shall amount to five hundred dollars ; but after the capital stock shall amount to more than five hundred dollars, any part of the interest, not exceeding four per cent., may be drawn out by a vote of the society giving such orders to the directors ; and when the said fund amounts to one thousand dollars, then the said five sixth parts of the interest shall be annually paid for the support of a congregational minister in the said society ; and if such teacher is not provided by said society, the interest accruing to the said fund, shall be added to said fund. And it shall never be in the power of said trustees or directors to alienate or change the application or appropriation of the said fund. Sixth, there shall be an annual meeting of the said society on the first Wednesday in April, called by the clerk, by posting up a written notification on the meeting-house in Lynnfield, and [of] the time and place of meeting.

Fund for the support of a minister.

Treasurer to give bond.

Monies, how drawn out of the treasury.

Annual meeting.

SECT. 2. *Be it further enacted*, That any justice of the peace for the county of Essex, upon application therefor, is hereby empowered to issue a warrant, directed to one of the trustees named in this act, requiring him to notify and call a meeting of the said society, to be holden at such convenient time and place as may be appointed in the said warrant, to organize the said corporation by the appointment of its officers. [June 18, 1825.]

First meeting.

An Act in addition to an Act entitled, "An Act to establish the Becket Turnpike Corporation."

Chap. 51.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so much of the said turnpike road, which lies between the place where the Chester turnpike intersects the said Becket turnpike, and the house of Daniel Sherman, in said Becket, being about eighty rods of said road, be, and the same is hereby discontinued as a turnpike road, and the said corpora-

1803 ch. 40.
(v. 3. p. 236.)

Road discontinued.

tion are hereby discharged from the obligations of keeping in repair that part of said turnpike lying between the limits aforesaid, any thing in the act to which this is in addition to the contrary notwithstanding.

Road annexed. **SECT. 2.** *Be it further enacted,* That from and after the passing of this act, eighty rods of the west end of the Chester turnpike be, and the same is hereby annexed to the said Becket turnpike : *provided,* the consent of the Chester turnpike corporation to the annexation aforesaid shall be first had and obtained. [June 18, 1825.]

Chap. 52.

An Act establishing a Fire Department in the city of Boston.

Fire department.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fire department of the city of Boston shall hereafter consist of one chief engineer, and as many other engineers, fire wardens, firemen, hose men, and hook and ladder men, as shall, or may, from time to time, be elected and appointed by the mayor and aldermen, such election of the chief and other engineers to be concurred in by the common council of said city.

Mayor and aldermen authorized to appoint officers.

SECT. 2. *Be it further enacted,* That the mayor and aldermen of said city be, and hereby are, authorized so to elect and appoint all or as many of the said officers, to cause certificates to be issued of such election and appointment, and to fix a compensation for the services of the chief engineer annually, said compensation to be concurred in by the common council.

City council to fix the duties of said officers.

SECT. 3. *Be it further enacted,* That it shall be the duty of the city council of said city, to fix and ordain, from time to time, the powers and duties of those officers respectively, in relation to fire engines, and all other fire apparatus belonging to or used in the said city, and also to the care and management thereof, and to the conduct of said officers and of the citizens present at fires, and to annex penalties for the breach of any rules or regulations they may so fix and ordain, not exceeding twenty dollars.

Powers of chief and other engineers.

SECT. 4. *Be it further enacted,* That the chief engineer, engineers, and fire wardens, so elected and appointed, shall have the same powers and authorities relative to the pulling down or demolishing any house or other building to prevent the spreading of fires, and also relative to all other matters and things affecting the extinguishment or prevention of fires, or the commanding assistance at them, as fire wardens now by law have, subject always to such modification as the city council or the Legislature of this Commonwealth may ordain and establish. And the said city of Boston shall be liable to pay all such reasonable compensation for damage done by or consequent upon the acts or directions of said chief engineer, engineers, and fire wardens as other towns in this Commonwealth are liable to pay in like cases for like acts and directions, done or given by their fire wardens ; and all fines and forfeitures arising within the said city

of Boston, under the laws of this Commonwealth relative to the extinguishment of or proceeding at fires, shall be distributed in such way and manner, and applied to such use as the said city council shall, from time to time, ordain and determine, any thing in said laws to the contrary notwithstanding, subject always to repeal or alteration by the Legislature of this Commonwealth.

SECT. 5. *Be it further enacted*, That every member of said fire department shall be exempt from militia services so long as he shall continue to serve in said department; and it shall be the duty of the person so exempted, to produce to the commanding officer of the militia company within whose bounds he may reside, on or before the first Tuesday of May in each year, a certificate, signed by the mayor of the city, stating that he is a member of said fire department.

Members of fire department exempted from militia duty.

SECT. 6. *Be it further enacted*, That from and after the organization of a fire department under this act, and notice thereof given in one or more newspapers published in said city, by the mayor thereof, all laws of this Commonwealth, relating to the election and appointment of firewards, so far as they affect the election or appointment of firewards within the said city, be, and the same are hereby repealed.

Repeal of laws.

SECT. 7. *Be it further enacted*, That the provisions of this act shall not take effect until the same shall have been accepted by the ballots of the citizens of Boston, at a general meeting called for that purpose. [June 18, 1825.] Add. acts, 1826 ch. 97 : 1828 ch. 123 : 1831 ch. 52.

When this act shall take effect.

An Act to incorporate the President, Directors, and Company of the Bunker Hill Bank.

Chap. 53.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaac Warren, Seth Knowles, William Austin, George Bartlett, Nathaniel Austin, Thomas I. Goodwin, David Devens, Timothy Walker, John Winship, and Samuel Jaques, Jr., their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors, and Company of the Bunker Hill Bank, and shall so continue from the passage of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled, "an act to incorporate the President, Directors, and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted. *Provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum of the amount of capital stock actually paid in.

Persons incorporated.

Powers and privileges.

1811 ch. 84.

Proviso.
[Allowed to increase issue of bills. 1825 ch. 108.]

Capital stock.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred and

When paid in.	<p>fifty thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times as the stockholders may direct ; fifty per centum, however, to be paid in on or before the first day of January next, and the residue within one year from the passing of this act ; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act ; and the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of twenty thousand dollars and no more, at any one time ; with power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the president, or two of the directors ; and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable : <i>provided, however,</i> that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation : <i>and provided further,</i> that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in the vaults, shall amount to seventy-five thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been <i>bona fide</i> paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money of said bank until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.</p>	
Transfer of stock.		
Real estate.		
Proviso.		
Capital to be examined and return made by commissioners.		
Location of bank and number of directors.	<p>SECT. 3. <i>Be it further enacted,</i> That the said bank shall be established and kept in Charlestown ; and the whole number of directors shall be nine, and a majority of the board shall be inhabitants of said town ; and no loan or discounts shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said bank.</p>	

SECT. 4. *Be it further enacted*, That, whenever the Legislature shall require it, said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by four annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Loans to the Commonwealth.

Proviso.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws, and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers, as they shall see fit to choose.

First meeting.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Commonwealth may subscribe to capital stock.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have the right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right.

Legislature may appoint directors.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

Cashier's bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have actually been paid in.

Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the

Bank liable to pay original amount of altered notes.

Stereotype
plate.

This act how
void.

Stock not trans-
ferable for one
year.

course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any *bona fide* holder the amount of any note of said bank counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

SECT. 11. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

SECT. 12. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act. [June 18, 1825.] Add acts, 1825 ch. 108 : 1830 ch. 58.

Chap. 54.

An ACT to incorporate the First Presbyterian Church in the city of Boston.

Persons incor-
porated.

Powers and
privileges.

First meeting.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That James Sabine, Aaron Morse, William Young, Nathaniel Perry, Lawson Caryl, D. Moody, Thomas Edmands, and John Green, Jr., with their associates and successors, be, and they hereby are, incorporated by the name of the First Presbyterian Church in the city of Boston, with power to make all necessary by-laws, and to enjoy all the rights and privileges to which parishes and other religious societies are entitled, by the constitution and laws of this Commonwealth; and the aforesaid James Sabine, Aaron Morse, and William Young, or any two of them, are authorized to call the first meeting of said society, by giving due notice thereof. [June 18, 1825.]

Chap. 55.

An ACT to incorporate the President, Directors, and Company of the North Bank.

Persons incor-
porated.

Powers and
privileges.

1811 ch. 24.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Little, William B. Bradford, Ebenezer Clough, Henry J. Oliver, Ezra Eaton, Theodore Dexter, Henry D. Gray, Henry Orne, P. P. F. Degrand, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors, and Company of the North Bank, and shall so continue until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act entitled "an act to incorporate the president, directors, and company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *provided, however*, that

the amount of bills issued from said bank at any one time, shall not exceed fifty per centum of the amount of the capital stock actually paid in. Amount of bills in circulation.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars,* in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following ; that is to say, one fourth part thereof on or before the first day of November next, and the residue in such times, and in such proportions, as the directors hereafter to be chosen shall determine : *provided*, that the whole amount shall be paid within one year from the date of this act. And no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of the said capital stock, as herein before provided ; and no dividend shall be declared on the capital stock of said bank, until the same sum of five hundred thousand dollars shall be paid in manner aforesaid. And the stockholders, shall, at their first meeting, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of one hundred thousand dollars, and no more at any one time, with the power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the president or two directors ; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount as security for, or in payment of any debts due to the said corporation : *and provided, further*, that no money shall be loaned, or discount made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to two hundred and fifty thousand dollars, nor until said capital stock actually in said vaults, shall have been inspected and examined by three commissioners to be appointed by the governor for that purpose, whose duty it shall be, at the expense of said corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or the majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor. Capital stock.

[* Increased 1823 ch. 20.]

When paid in.

Transfer of stock.

Real estate.

Proviso.

Capital to be examined, and return made by commissioners.

Location of
bank.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the north part of Boston, and at some point north of Faneuil hall market, and of Union street, and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the bank aforesaid.

First meeting.

SECT. 4. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place, as they may see fit to appoint, by advertising the same, in any two of the newspapers printed in Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

Loans to the
Common-
wealth.

SECT. 5. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum which may be required, not exceeding ten per centum of the capital stock actually paid in at one time, reimbursable by five annual instalments, or any shorter time at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Commonwealth
may subscribe
to capital
stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by a law to subscribe, on account of the Commonwealth, a sum not exceeding fifty per centum of the capital stock, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature
may appoint
directors.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Cashier to give
bonds.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bonds, with sureties, to the satisfaction of the board of directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of November next, shall pay, by way of tax, to the treasury of this Commonwealth, for the use of the same, within ten days after the first Monday in October, and

April annually, the half of one per centum on the amount of stock which shall have actually been paid in.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder the amount of any note counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate; and said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Bank liable to pay original amount of altered notes.

Stereotype plate.

SECT. 11. *Be it further enacted*, That if the bank hereby created be not put into operation within one year from the date of this act, the same shall be void; and no part of the capital stock of said bank shall be sold or transferred, until the whole amount thereof shall have been paid in. [June 18, 1825.] Add. acts, 1828 ch. 20 : 1830 ch. 58.

This act, how void.

An Act to incorporate the Three Rivers Manufacturing Company.

Chap. 56.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Levi Brigham, William S. Rogers, Samuel D. Ward, Levi Merriam, Darius B. Holbrook, Thomas A. Dexter, Willard Phillips, Charles P. Dexter and Anthony Olney, with their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Three Rivers Manufacturing Company, for the purpose of manufacturing cotton, woollen and linen goods, iron and machinery, in the town of Palmer, in the county of Hampden, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding in value the sum of three hundred thousand dollars, and such personal estate, not exceeding in value the sum of seven hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Real and personal estate.

SECT. 3. *Be it further enacted*, That any one of the persons named in this act be, and either of said persons is hereby authorized to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof to the others, either by personal notice or otherwise. [Jan. 21, 1826.]

First meeting.

Chap. 57.

An ACT to incorporate the Shepherd Woollen Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Shepherd and James M. Robbins, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Shepherd Woollen Manufacturing Company, for the purpose of manufacturing woollen cloths, and all kinds of machinery necessary for conducting said manufacture of woollen cloths, in the town of Northampton, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Powers and
privileges.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted,* That the said corporation may hold and possess such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value the sum of one hundred and fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of woollen cloths and machinery.

First meeting.

SECT. 3. *Be it further enacted,* That either of the persons named in this act be, and either of said persons hereby is authorized to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof, either by personal notice or otherwise. [Jan. 21, 1826.]

Chap. 58.

An ACT to incorporate the Bridgewater Cotton Gin Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Eleazer Carver, Jun., Solomon Washburn, Seth Washburn, Abram Washburn, Artemas Hale, Abram Washburn, the second, and Nathaniel Washburn, together with such others as may associate with them, their successors and assigns, be, and they are hereby incorporated as a company, by the name of the Bridgewater Cotton Gin Manufacturing Company, for the purpose of manufacturing cotton gins and other manufacturing purposes in the town of Bridgewater, in the county of Plymouth, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed in an act entitled “an act defining the general powers and privileges of manufacturing corporations,” passed the third day of March, one thousand eight hundred and nine, and of the several acts supplementary thereto.

Powers and
privileges.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted,* That said company may be lawfully seized of such real estate, not exceeding forty thousand dollars, and personal estate, not exceeding sixty thousand dollars, as may be necessary and convenient for carrying on their said manufacture.

SECT. 3. *Be it further enacted,* That Artemas Hale be,

and he is hereby authorized to call the first meeting of said corporation for the purpose of organizing the same, by giving public notice thereof in some newspaper published in the county of Plymouth, three weeks successively, the last publication to be thirty days at least before the time of such meeting, or by leaving a written notification at the last and usual place of abode of each member of said corporation, seven days at least previous to such meeting, which notifications shall state the object of the meeting. *[Jan. 26, 1826.]*

First meeting.

An ACT to change the name of Christopher Gillpatrick.

Chap. 59.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Christopher Gillpatrick, of Boston, shall hereafter be known and called by the name of Christopher Gill, and the same shall be considered as his only proper and legal name. *[Jan. 26, 1826.]*

Change of name.

An ACT to incorporate the Boston Type and Stereotype Foundry.

Chap. 60.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Timothy H. Carter, Charles C. Little, William Hilliard, with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they are hereby constituted, for the purpose of establishing, managing and carrying on, in the counties of Suffolk and Middlesex, the manufacture of printing types and stereotype plates in all its various branches, and of all other articles used in printing or engraving, a body politic and corporate, by the name of the Boston Type and Stereotype Foundry, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or in any place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic ought to do and suffer; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew. And the said company shall have all the powers and privileges, and be subject to all the duties contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and any other acts additional thereto, which shall have been passed from time to time.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may purchase, take, hold and convey real and personal estate of every kind, to such an amount as they may find necessary or convenient in the management of their concerns: *provided,* the same shall not exceed the sum of fifty thousand dollars in real estate, nor one hundred thousand dollars in personal estate.

Real and personal estate.

SECT. 3. *Be it further enacted,* That the said corporation be, and are hereby authorized to raise such sums of money, as may, from time to time, be necessary for effecting the objects of the said corporation, by equal assessments on the several shares therein; and the time when such assessments become due and

Assessments.

Treasurer to
sell shares of
delinquents.

payable, shall be made known to each proprietor, by the clerk of the said corporation, by written notice, left at his last and usual place of abode, or by letter addressed to him by mail, or by public notice as the corporation may direct. And the treasurer of said corporation is hereby authorized to sell, at public auction, the share or shares of any proprietor, who shall neglect to pay the assessments laid thereon, within ten days after the same shall become due and payable as aforesaid; or so many of such shares as shall become necessary for that purpose, giving notice of the time and place of such sale, in one of the newspapers printed in Boston, or in one in which the laws of this Commonwealth are ordered to be printed, for the time being, thirty days at least before the time of such sale; and a deed of such share or shares duly executed and acknowledged by the treasurer, and recorded, shall be a valid conveyance of such delinquent proprietor's share or shares to the purchaser thereof; and the surplus money arising from such sale, if any remain, (after paying the assessments due, and interest thereon, from the time when the same became due, as also all the charges and expenses of such sale) shall be paid to such delinquent proprietor, or his assigns; or the said corporation may recover the amount of such assessments and interest, with costs, in an action of debt, in any court having jurisdiction thereof, as they shall elect and determine.

Corporation
may have ac-
tion of debt.

First meeting.

SECT. 4. *Be it further enacted*, That Timothy H. Carter, or either of the aforementioned persons, is hereby authorized to call the first meeting of the said corporation, by written notice, to be left at the last and usual place of abode of each proprietor, or by letter addressed by mail, or by public notice, at least seven days previous to the said meeting; at which first meeting the proprietors present shall choose a clerk, who shall be sworn to the faithful discharge of his duties. [Jan. 26, 1826.]

Chap. 61.

An Act to incorporate the Liberty Square Warehouse Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Hubbard, Henry Hubbard, and William F. Ous, and all such persons as may associate with them as proprietors, their successors and assigns, shall be, and hereby are constituted a body politic and corporate by the name of the Liberty Square Warehouse Company, and by that name may sue and be sued, defend and be defended, in any courts of record or other place whatsoever, and shall and may do and suffer all matters, acts, and things, which bodies politic may do and suffer, and may make, have, and use a common seal, and the same at pleasure break, alter and renew, and ordain and put in execution such by-laws, ordinances, and regulations as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their affairs; and for the breach of such by-laws, ordinances, and regulations, may order fines and penalties, not exceeding ten dollars for every breach: *provided*,

Powers and
privileges.

that such by-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said corporation be, and the same hereby is declared capable to hold, have, and possess, in fee simple or otherwise, all or any part of that real estate in the city of Boston, bounded north on Liberty Square, west on Kilby street, south on Milk street, and east on Battery March street : *provided*, the said corporation shall acquire the same by legal grant from the lawful proprietors thereof. And said corporation shall have power to grant, sell and alien, in fee simple or otherwise, the said corporate property or any part thereof, and to lease, manage, and otherwise improve the same, according to their will and pleasure, and by such forms of conveyance and contract as shall by their by-laws be provided.

Real estate.

Proviso.

SECT. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the form of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation, in a book to be kept for that purpose, and shall be liable to attachments on mesne process and sale on execution in the manner and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated companies.

Number and transfer of shares.

SECT. 4. *Be it further enacted*, That the real estate and other property of said corporation shall be liable to be attached on mesne process, and be set off and sold on execution against the corporation in the same manner as the property or estate of individuals, is by law subject to mesne or final process.

Real estate may be attached on mesne process.

SECT. 5. *Be it further enacted*, That said corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole three hundred dollars on each share, for the purchase, improvement, and good management of their estate, and for erecting, repairing, or altering buildings, or for the incidental expenses of the corporation, and to sell or dispose of the shares of any delinquent proprietor for the payment of such assessment, in such way and manner as said corporation may, by their by-laws and regulations, determine and agree upon.

Assessments.

[This section repealed, 1826 ch. 5.]

SECT. 6. *Be it further enacted*, That in all meetings of the stockholders in the said corporation, each member shall be entitled to one vote for each share held by him.

One vote may be given for each share.

SECT. 7. *Be it further enacted*, That either of the persons named in the first section of this act may call the first meeting of said corporation, by advertising in any newspaper printed in Boston, three times, the first not less than three days before the time appointed for such meeting ; and the corporation, at their first meeting, and afterwards annually, on such day as shall be established by the by-laws, shall choose a president, clerk, and such other directors or officers as they may see fit, which clerk shall be under oath ; they may also agree upon the mode of calling future meetings.

First Meeting.

SECT. 8. *Be it further enacted*, That all covenants or contracts, which shall be made by said corporation, and all debts due from it shall be binding on each one and all of those persons, in-

Contracts binding on individuals.

dividually, who shall be stockholders in said corporation, when such contracts respectively are made; and on their respective heirs, executors and administrators, in the same manner as if such covenants or contracts had been made on debts contracted by such stockholder or stockholders, in his or their individual capacity.

Continuance of act.

SECT. 9. *Be it further enacted*, That this act shall continue in force twenty years from the passing thereof, after the expiration of which time, the same may be repealed at the pleasure of the Legislature: *provided*, that in case of such repeal, the lands and tenements of said corporation shall be vested in the share holders at the time of such repeal, and their heirs as tenants in common, in proportion to their respective interest in the premises. [*Feb. 3, 1826.*] Add. act, 1826 ch. 5.

Chap. 62.

AN ACT to establish the Poutoosac [*Pontoosac*] Turnpike Corporation.

Persons incorporated.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Allen, Lemuel Pomeroy, Joseph Shearer, Joseph Merrick, Thomas Gold, James Fowler, Henry Stearns, and Enos Foot, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Poutoosac [*Pontoosac*] Turnpike Corporation, for the purpose of making a turnpike road from the south east part of Pittsfield, in the best course through parts of the towns of Hinsdale, Middlefield, Washington and Chester, so as to cross the line between said towns of Washington and Middlefield, at or near the Potter house, so called, thence along the Mill brook, so called, to the place of the conjunction of said brook with the Westfield river, thence along said Westfield river, until it shall intersect the road leading from Albany to Westfield, at a point near the tavern-house of Col. Henley;—and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act entitled “an act defining the general powers and duties of turnpike corporations,” passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto. [*Feb. 15, 1826.*] Add. acts, 1828 ch. 35: 1829 ch. 51.

Powers and privileges.

1804 ch. 125.

Chap. 63.

AN ACT for the preservation and regulation of the Fishery in the town of Falmouth.

Persons not to take fish.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of March next, it shall not be lawful for any person living without the jurisdiction of this Commonwealth, to take any lobsters, tautog, bass, or other fish, within the harbors, inlets, coves or waters of the town of Falmouth, for the purpose of carrying them away from said waters in smacks or vessels owned without the Commonwealth, of any size, nor any owned within this Commonwealth over fifteen tons, and any and every person offending against the

provisions of this act, shall forfeit and pay the sum of ten dollars Forfeitures. for every offence, and also forfeit all the fish and lobsters so taken, or the value thereof.

SECT. 2. *Be it further enacted,* That the waters and shores Limits assigned. of said town of Falmouth, shall be considered and taken by this act to extend from the shores of said Falmouth, including all the waters, islands and rocks lying within one mile of the main land.

SECT. 3. *Be it further enacted,* That all fines and forfeitures which may be incurred for offences against this act, shall be, one half to him or them who may first sue for the same, and the other half to the use of the town to which the complainant belongs, and the said fines and forfeitures may be recoverable with legal costs of suit, by action of debt or information before any justice of the peace for the county of Barnstable, and any person or persons aggrieved by the sentence of the justice of the peace, given in pursuance of this act, may appeal therefrom to the next court of common pleas, to be holden in the county in which judgment may be rendered. Fines appropriated.

SECT. 4. *Be it further enacted,* That to prevent the destruction of oysters and all other shell fish, within the waters belonging to the said town of Falmouth, all the provisions, fines, forfeitures, penalties, seizures, and appropriations prescribed and contained in an act, passed in the year of our Lord, seventeen hundred and ninety-six, entitled “an act to prevent the destruction of oysters and other shell fish in this Commonwealth,” and also the several acts in addition thereto, so far as they may be applicable to the purposes of this act, be and they are hereby extended to the said town of Falmouth. Law extended to Falmouth. [Feb. 15, 1826.] 1795 ch. 71.

AN ACT in addition to an Act, entitled “An Act to incorporate the Duxbury Manufacturing Company.”

Chap. 64.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Duxbury Manufacturing Company be, and they hereby are authorized to hold real estate, and prosecute the business for which they were incorporated, at Marshfield, in the county of Plymouth, as well as at Duxbury, in said county: *provided, however,* that nothing in this act contained shall be so construed as to increase the capital stock of said company, beyond the amount limited by the act to which this is in addition. 1812 ch. 90. [Feb. 15, 1826.] May transact business in Marshfield.

Proviso.

AN ACT to incorporate the Proprietors of a Fund for the support of Public Worship, in the Fourth Congregational Precinct, in the town of Rochester, in the county of Plymouth.

Chap. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George B. Nye, John B. Blankinship, Barnabas B. Nye, Stephen Delano, Stephen Hammond, John Coleman, David Hathaway, John Clapp, Caleb Handy, Joseph Handy, Alfred Kindrick, Seth Blankinship, Benjamin Delano, Weston Allen, and Oliver Cobb, with such others as shall here- Persons incorporated.

Power to increase fund.

after join with them, be, and they hereby are, made a body corporate and politic, by the name of the Proprietors of the Fund for supporting Public Worship in the Fourth Congregational Precinct, in the town of Rochester, in the county of Plymouth, and by that name may sue and be sued, and have power to increase their fund, in real or personal estate : *provided*, that the annual income thereof shall not exceed six hundred dollars clear of expense ; the annual income to be expended in the support of public worship in said precinct.

Annual meeting.

SECT. 2. *Be it further enacted*, That the said corporation shall, annually, in the month of March or April, have a meeting and choose a clerk who shall be under oath for the faithful discharge of the trust, and a treasurer, who shall give bond, with surety, for the faithful performance of his duty ; and also a committee to manage the prudential affairs of the corporation, and whose duty it shall be to warn subsequent meetings of said corporation ; and if the committee shall unreasonably neglect to call a meeting, any justice of the peace for said county, on the request of three or more of the members of said corporation, in writing, is authorized to warn a meeting of said corporation ; and no subject shall be acted on in any meeting unless there shall be an article for that purpose in the warrant calling such meeting.

Rules and regulations.

SECT. 3. *Be it further enacted*, That said corporation, at a meeting for that purpose, may establish such rules and regulations, as they may think proper : *provided*, they are not inconsistent with the laws of this Commonwealth. And the mode of warning the first meeting of said corporation shall be the posting up a copy of the warrant, within the projection of the congregational meeting-house in said precinct, ten days before the time of said meeting. And Abraham Holmes, Esq. is hereby authorized and required to warn the first meeting of said corporation. [*Feb. 15, 1826.*]

First meeting.

Chap. 66.

An ACT to establish the Essex Marine Railway Corporation.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Moses Townsend, Richard S. Rogers, William Fettyplace, Robert Brookhouse and Horatio Perry, all of Salem, in the county of Essex, and such other persons as have associated and may hereafter associate themselves with them, be, and they hereby are made a body politic and corporate, by the name of the Essex Marine Railway Corporation, for the purpose of making and supporting a marine railway in the town of Salem ; and by that name, they and their successors may sue and be sued, and generally do and execute whatever by law shall appertain to bodies politic and corporate, and shall be capable in law to take and hold, in fee simple, or otherwise, any lands, tenements and hereditaments, not exceeding in the whole the value of ten thousand dollars, and shall also be capable in law to take and hold personal estate, not exceeding in the whole the sum of ten thou-

Powers.

Real and personal estate.

sand dollars ; and shall also have power to sell, demise, exchange and otherwise dispose of or manage, all or any part of their lands, tenements, hereditaments, and personal estate aforesaid, for the benefit of said corporation, and shall also have a common seal, which they may break, alter and renew at their pleasure ; and shall also have power to make by-laws, with suitable penalties, and not repugnant to laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the whole property of said corporation shall be divided into shares, not exceeding one hundred and fifty. And said shares shall be considered, in all respects, as personal estate ; and the said corporation shall have power, from time to time, to assess upon each of said shares, such sums of money as may be deemed necessary for the purposes of said corporation ; and for the payment of any such assessment, the said corporation shall have power, after notice given, pursuant to their by-laws in that behalf, to sell and dispose of the shares of delinquent proprietors, at such time and manner as the said corporation may determine, and in case of any sale of such shares aforesaid, a deed or deeds duly executed, and acknowledged by the president of said corporation, or by any person authorized by said corporation, and recorded in their records, shall be as effectual to convey such delinquent proprietor's estate, and interest in such shares, as if such deed had been made and executed by such proprietor himself.

Shares.

Assessments.

Sale of delinquent proprietor's shares.

SECT. 3. *Be it further enacted*, That the first meeting of said corporation shall be called, either by personal notice to each of the proprietors, or by advertisement in any of the public newspapers printed in Salem aforesaid ; such notice, or advertisement, to be at least seven days before the day of such meeting ; and at the said first meeting, or any other legal meeting, the said corporation may agree on the mode of calling and warning their annual and other meetings, and may elect a president, and such other officers as they may judge proper for the orderly conducting of their affairs, and the management of their property, and may change or remove such officers at pleasure, and at all meetings, each proprietor present shall be entitled to one vote for each share : *provided*, that no stockholder shall be allowed more than ten votes, and any absent proprietor shall be entitled to vote in like manner by proxy authorized in writing.

First meeting.

Right of voting.

SECT. 4. *Be it further enacted*, That the several persons herein before named, or any two of them, be, and they hereby are authorized to call the said first meeting in manner aforesaid. [Feb. 15, 1826.]

An ACT to incorporate certain persons by the name of the Society for the Promotion of Theological Education at Cambridge.

Chap. 67.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Pickman, Esq., Charles Jackson, Esq., Daniel A. White, Esq., the Rev. Joseph Tuckerman, Rev. Charles Lowell, Richard Sullivan, Esq., Stephen Higginson, Jun., Esq., Rev. James Walker, Rev. Henry Ware and Sam-

Persons incorporated.

- Real and personal estate. uel A. Elliot, Esq., and their associates, (heretofore known and acting as a voluntary association under the name of the society for the promotion of theological education in Harvard University,) with their successors, be, and they hereby are incorporated and made a body politic forever, for the purpose of establishing and maintaining a theological institution, to assist young men of competent talents, pure morals, and piety, in preparing themselves for the christian ministry, by the name of the Society for the Promotion of Theological Education at Cambridge, with power to hold lands and other property, for the purposes of the institution, and the same to purchase or take by donation or bequest : *provided, however*, that the same shall never exceed the annual income of twenty thousand dollars ; and they may have a common seal, and the same may break and change at pleasure.
- Annual meeting. SECT. 2. *Be it further enacted*, That there shall be an annual meeting of the society, for the choice of officers, and the transaction of such other business as may regularly come before them, on the day before the commencement at Harvard University, to be holden at such place in Boston or Cambridge, as the directors herein after mentioned shall appoint, of which public notice shall be given at least fifteen days before the time of such meeting, and at the said meeting shall be chosen, by ballot, by the majority of the members present, a president, secretary and treasurer, who shall hold their offices for one year, and until others are chosen in their stead. And in case of the death or resignation of either of said officers, the vacancy may be filled in manner aforesaid, at any legal meeting of the society. The secretary shall be under oath, and the treasurer shall give bond, with sufficient surety, faithfully to discharge the duties of their respective offices.
- Election of officers. SECT. 3. *Be it further enacted*, That there shall be chosen by the society, five persons, to be denominated trustees. And all vacancies that may thereafter occur among them, shall be filled by the remaining members of the board of directors ; the president, secretary and treasurer, with the trustees, shall constitute a board of directors, and whenever a vacancy shall happen among the three first mentioned officers of the board, the other members shall exercise all the power of the full board. And the said directors shall have such powers as the society shall, from time to time, provide by its rules, regulations and by-laws.
- Trustees. SECT. 4. *Be it further enacted*, That the trustees shall, with the president and fellows of Harvard college, constitute one board, of which seven shall make a quorum, for the purpose of appropriating all monies that have been given by members of the said voluntary association, and which have been paid over by such donors to the treasurer of Harvard college. And the president of Harvard college shall preside at all public meetings, for the examination of the students of the institution.
- Board of directors. SECT. 5. *Be it further enacted*, That said society be, and they hereby are, authorized and empowered, to make and ordain all needful rules, regulations and by-laws, for the govern-
- Board for appropriation of monies.
- Rules and by-laws.

ment of their own proceedings, for the admission of new members, for defining the powers and duties of their own officers, and generally for the care and management of all the affairs of the institution—the doings of said society to be submitted to the corporation of Harvard College, for their approbation in all cases wherein by the constitution of the university, such assent or approbation may be requisite : *provided, however*, that nothing in said rules, regulations and by-laws, shall be repugnant to the constitution and laws of this Commonwealth : *and provided, also*, Proviso. that no assent to the peculiarities of any denomination of christians be required, either of the instructors or students in said institution, and that no discouragement be in any manner or form given therein to the serious, impartial, and unbiassed investigation of christian truth.

SECT. 6. *Be it further enacted*, That it shall be the duty of the directors to lay before the president and fellows of Harvard College, at least once in every year, a statement of their proceedings, the condition of the funds, and the claims of such students as may need pecuniary aid. Statement to be laid before the corporation of Harvard College.

SECT. 7. *Be it further enacted*, That this act shall be in force when the president and fellows of Harvard College shall assent thereto. And it shall be lawful for the present officers of the voluntary association mentioned in section first, to exercise the powers given to the like officers in this act, until such assent, and until the then next annual meeting of the society herein provided for. [*Feb. 15, 1826.*] When this act shall be in force

An ACT to incorporate the Boston Marine Railway Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Israel Thorndike, Caleb Loring, Nathaniel Goddard, and Charles Tracy, and others, their associates, be, and they hereby are, constituted a body politic and corporate by the name of the Boston Marine Railway Company, for the purpose of erecting railways in the city of Boston, for the repairing of ships and vessels, and of repairing the same thereupon, and the doing and transacting of all matters and things whatsoever, relating to the building and repairing vessels upon such railways ; and the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew, at pleasure ; to choose and appoint a treasurer, clerk, and such other officers, and to make such rules and by-laws, not inconsistent with the laws of the Commonwealth, as shall be judged necessary or expedient by the said corporation, for the management of the property, estate, income, and affairs thereof, and generally to do and execute whatever by law shall appertain to bodies corporate.

SECT. 2. *Be it further enacted*, That the said corporation be, and it hereby is, declared capable to have, hold, and possess real estate, not exceeding in value fifty thousand dollars, and a Real and personal estate.

Chap. 68.

Persons incorporated.

Powers and privileges.

further capital stock of thirty thousand dollars, with liberty to increase the same to any amount, not exceeding in all one hundred thousand dollars.

Shares.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, and numbered in progressive order, beginning at number one, and certificates shall be signed by the treasurer of the corporation, and issued to the proprietors accordingly ; and the shares aforesaid shall be transferable by endorsement on the back of the said certificates, and the property in said shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the clerk of the corporation, and new certificates shall be issued accordingly ; and in all meetings of the members of the said corporation, for the transaction of business, each proprietor shall be entitled to one vote for every share held by him : *provided, always*, that no one member shall ever be entitled to more votes than shall be equal to one fifth part in value of the corporate property ; and members shall have the right to appear and act at any meeting by proxy in writing.

Transfer of shares.

Right of voting.

Assessments.

SECT. 4. *Be it further enacted*, That the said corporation may, from time to time, at any legal meeting called for that purpose, assess upon each share such sum or sums of money as shall be judged necessary for raising a capital for the completion and effecting of the objects of this incorporation, and carrying on of the business thereof, and for defraying the charges and expenses incident thereto, to be paid to the treasurer, at such time or times, and by such instalments, as shall be directed by the said corporation ; and if the proprietor of any share shall refuse or neglect to pay any tax or assessment duly voted by the said corporation, for the term of thirty days after the time set for the payment thereof, the treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, sufficient to pay all taxes and assessments which may be then due from such proprietor, with all necessary and incidental charges, after having given notice in some public newspaper in the city of Boston, of the time and place of sale, at least ten days before the same, and such sale shall be a legal transfer of the share or shares so sold to the purchaser, who shall be entitled to and receive a certificate or certificates of the share or shares by him so purchased accordingly.

Treasurer may sell shares of delinquents.

First meeting.

SECT. 5. *Be it further enacted*, That any two of the persons named in this act may call the first meeting of said corporation, by advertising the same in one or more of the newspapers printed in Boston, seven days at least before the time of meeting. [Feb. 15, 1826.]

Chap. 69. An Act empowering Ezekiel Hale to open a Canal from Hale's Mills to Little River Bridge, in Haverhill.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Ezekiel Hale, his heirs and assigns, owners of his said mills, be, and they are hereby authorized and

E. Hale authorized to clear out the channel of

empowered, within the term of four years from the passing of this act, to open and clear out the channel of the said little river, from his said mills, about half a mile, to Little river bridge, and to open and cut a navigable canal across the necks of land formed by the bends in said river, to make them sufficiently wide and deep, at common high tides, for timber rafts and loaded gondolas to float freely therein, and also to build and construct a convenient tow-path on the easterly side of said river and canal, four feet wide at the top, for the same distance, for the purpose of towing boats and rafts up and down the said river and canal, and the same, hereafter, at all times, to repair and maintain, use, occupy and enjoy, paying therefor in manner herein after prescribed : *provided*, that all damages shall be ascertained and paid to all persons interested, before said work shall be commenced.

Little river, and
open a canal.

Proviso.

SECT. 2. *Be it further enacted*, That Hobart Clark, of Andover, John Varnum, of Haverhill, and Jesse Kimball, Jun., of Bradford, Esquires, shall be commissioners to mete out and describe in writing, under their hands, the location of said canal and tow-path, and what culverts or sluices under said tow-path, and other erections, shall be made to secure the interests of the owners of land adjoining ; first giving due notice to all persons whose rights may be affected thereby.

Commissioners
appointed.

SECT. 3. *Be it further enacted*, That when the said Ezekiel Hale, his heirs and assigns, and the proprietors of any land or water affected by said canal, tow-path, or clearing out of said river, cannot agree upon the damages which may be occasioned thereby, the justices of the court of common pleas in said county of Essex, are hereby authorized and empowered, upon application of either party, after due notice given, to appoint three disinterested freeholders, in said county of Essex, whose appraisement of said damages, upon oath, being returned into said court, and by them accepted, shall be final between the parties : *provided*, *nevertheless*, that if either party shall be dissatisfied with the appraisement of said freeholders, and shall, at the same term of said court at which said report shall be made, or at the next term of said court, apply to said court for a trial by jury, alleging the deficiency or excess, as the case may be, of said damages, the said court shall have power to determine the same by a jury at the bar of said court ; and if the verdict of said jury shall not give to the party applying a more favorable decision, the court shall award costs against the party applying ; but if the verdict of said jury shall be more favorable to the party applying, the court shall award costs in his favor ; and in both cases, the judgment shall be made up agreeable to said report or verdict, so far as it respects the damages, with or without a deduction of the costs, as the case may require, and issue execution accordingly.

Justices of C.C.
P. to appoint
appraisers of
damages.

Either party
may have a tri-
al by jury.

SECT. 4. *Be it further enacted*, That the said river, canal, and tow-path shall always be free for all persons to use the same, at pleasure, for the purposes aforesaid. [*Feb. 15, 1826.*] Add. act, 1829 ch. 97.

River and canal
to be free.

Chap. 70.

1821 ch. 45.

1823 ch. 54.

Authorized to
erect gates, and
take half tolls.

An ACT in addition to an Act establishing the Barre Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Barre Turnpike Corporation, from and after the passing of this act, shall, and hereby are authorized to demand and receive, at their toll gate on said turnpike road, the one half of the usual toll at one full gate, and no more.

SECT. 2. *Be it further enacted,* That said corporation be, and are hereby authorized to erect one other half toll gate on said turnpike road, any where from the westerly side of the bridge, by Isaac Tucker's dwelling-house, in said Barre, and a town road crossing said turnpike road, and leading by the dwelling-house of John Partridge, in said Barre, with the right to demand and receive the one half of the usual sum established by law, at one full gate, and no more. [Feb. 15, 1826.]

Chap. 71.

1802 ch. 99.

(v. 3. p. 132.)

1824 ch. 29.

An ACT in addition to an Act entitled "An Act for incorporating certain persons for the purpose of building a bridge over Connecticut River, in the county of Hampshire, between the towns of Northampton and Hadley, and for supporting the same."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of the Northampton Bridge be, and they are hereby authorized and empowered to erect a bridge over Connecticut river, not less than twenty-six feet in width, any thing in the act to which this is in addition, to the contrary notwithstanding. [Feb. 15, 1826.]

Chap. 72.

An ACT to incorporate the Female Classical Seminary.

Persons incor-
porated.

Powers.

Est ate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established, in the first parish of Brookfield, in the county of Worcester, an institution, to be denominated the Female Classical Seminary, and that Eliak m Phelps, Micah Stone, Thomas Bond, Elisha Hammond, Jesse Bliss, Silas Henry, Henry Nolen, and Allen Newell, be, and they hereby are established a body corporate, as trustees of said seminary ; and they and their successors shall continue a corporation, by that name, forever ; and shall have power to use a common seal, to make contracts, to sue and be sued, to hold and improve, for the purposes of said corporation, all estates, real, personal or mixed, which may at any time be appropriated to the objects of said institution : *provided,* the annual income of such property shall not exceed the sum of ten thousand dollars, and that they may prosecute and defend to final judgment and execution, all actions, real, personal or mixed, by the name of the Female Classical Seminary ; and may appoint an agent, or agents, to prosecute or defend such actions.

Trustees may
elect a board of
visitors.

SECT. 2. *Be it further enacted,* That the trustees may, within one year after the passing of this act, elect, by ballot, a board of visitors, not to exceed nine in number, whose duty it shall be to attend at the quarterly examinations of said seminary, and to do and perform all such other duties as shall devolve on them.

SECT. 3. *Be it further enacted,* That said trustees may elect

a president, vice-president, secretary, and treasurer, with such other officers as they may think proper. The secretary to be under oath, and the treasurer to give bonds, with sufficient surety or sureties, for the faithful discharge of their respective duties ; and said trustees, and also said board of visitors may, from time to time, enact such by-laws, rules, and regulations for their respective bodies, as they may think proper : *provided*, that the same be not inconsistent with the laws of this Commonwealth.

Election of officers.

SECT. 4. *Be it further enacted*, That said trustees may, with the concurrence and consent of said board of visitors, elect such teachers, and make such appropriations of money, or other property as the interest of the seminary may require.

Appointment of teachers.

SECT. 5. *Be it further enacted*, That whenever any vacancy or vacancies occur in the said board of trustees, or in the board of visitors, by death, resignation, or otherwise, such vacancies shall be filled by ballot, and each board shall fill its own vacancies ; and whenever any member of either board, shall, by age, infirmity, or otherwise, become, in the judgment of a majority of both boards, an improper member of such board, such board may declare the seat of such member vacant, and may forthwith proceed to fill such vacancy in the manner before provided.

Vacancies, how filled.

SECT. 6. *Be it further enacted*, That the principal instructor of said seminary shall, *ex officio*, be a member of the board of trustees, which board shall, at no time, consist of more than nine members, five of whom shall always be necessary to constitute a quorum for the transaction of business.

Board of trustees.

SECT. 7. *Be it further enacted*, That Eliakim Phelps be, and he is hereby authorized, to appoint the time and place of holding the first meeting, of both boards before named, by giving personal or written notice seven days at least before the said meeting. [Feb. 15, 1826.]

First meeting.

An Act further to provide for the payment of costs in Criminal Prosecutions.

Chap. 73.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the provisions of the act, entitled “an act in addition to an act further to provide for the payment of costs in criminal prosecutions,” passed the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-five, be, and the same hereby are extended to the county of Suffolk, and the justices of the police court within and for the city of Boston, as effectually as if said county and said justices had been named therein—excepting the provision for the examination and allowance by the court of common pleas, of the costs therein named.

1824 ch. 117.

Payment of costs in criminal cases.

SECT. 2. *Be it further enacted*, That the costs that heretofore have arisen since the passage of the act aforesaid, or may hereafter arise, in the county of Suffolk, provided for by this act, shall be certified to the board of accounts for said city and county, and said board of accounts shall adjust, liquidate, examine,

Costs, how certified.

Proviso.

allow and certify the same, as is their duty in relation to other costs in criminal prosecutions. *Provided, however,* that no costs arising on any prosecution for a violation of any by-laws of the city of Boston, or any town in this Commonwealth, shall hereafter be allowed or paid under the provisions of this act, or an act passed on the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-five, to which this is in addition, entitled “an act in addition to an act further to provide for the payment of costs in criminal prosecutions.” [Feb. 15, 1826.]

1824 ch. 117.

Chap. 74.

An Act in addition to an Act, entitled “An Act regulating the taking of Fish in the town of Bridgewater, in the county of Plymouth.”

1824 ch. 76.

Taking fish below Nemasket river prohibited.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for the town of Bridgewater, or the inhabitants thereof, to catch the fish called shad and alewives in Titicut river, so called, which forms the boundary line between the said town of Bridgewater and the town of Middleborough, below the point where Nemasket river empties into the said Titicut river, or within twenty rods above that point; any thing in the act to which this is in addition to the contrary notwithstanding. [Feb. 15, 1826.]

Chap. 75.

An Act to incorporate the Springfield Card Manufacturing Company.

Persons incorporated.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Carew, Walter H. Bowdoin, Israel Phillips, Jun., and William Bowdoin, Jun., with such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Springfield Card Manufacturing Company, for the purpose of making and vending, in the town of Springfield, and county of Hampden, various descriptions of machine and other cards, and the machinery for making the same; and for that purpose shall have all the powers and privileges, and be liable to all the duties and requirements, contained in an act, entitled “an act defining the general powers and duties of manufacturing corporations,” passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 2. Be it further enacted, That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value thirty thousand dollars, and such personal estate, not exceeding in value fifty thousand dollars, as may be convenient for carrying on the manufactures and business aforesaid.

First meeting.

SECT. 3. Be it further enacted, That any one or more of the persons above named, may call the first meeting of the members of said corporation, at such time and place as they may see fit to appoint, by advertising the same, three weeks successively, in any newspaper printed in Springfield, in the county of Hampden, for the purpose of choosing officers, and making by-laws, for regulating the concerns of said corporation. [Feb. 15, 1826.]

An ACT to discontinue a part of the location of the Worcester Turnpike Road.

Chap. 76.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passage of this act, so much of the location of the Worcester turnpike as was over the old road, or ancient highway, in the town of Roxbury, be discontinued and annulled; and that the easterly end of said turnpike shall hereafter be at the arch, in Brookline, where said turnpike road leaves the ancient highway: *provided*, that the said turnpike corporation pay to the said town of Roxbury the sum of two hundred and fifty dollars, on or before the first day of May next. [*Feb. 15, 1826.*]

1805 ch. 67.

1803 ch. 15—71.

Location in part annulled.

Proviso.

An ACT to incorporate a number of the inhabitants of the town of Salem, in the county of Essex, into a society, by the name of the Second Baptist Society in Salem.

Chap. 77.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Robert Upton, Michael Webb, Jun., Thomas Perkins Pingree, Nathan Putnam, Thomas Doyle, William Stickney, Thomas Gwinn, Samuel Simonds, Peter Ames, Ebenezer Perkins, Abraham Kimball, Winthrop Sargent, Stephen Fogg, Samuel Webb, Jun., with such other persons as shall associate, and become interested with them, in manner herein after mentioned, be, and they hereby are incorporated and made a body politic, by the name of the Second Baptist Society in Salem.

Persons incorporated.

SECT. 2. Be it further enacted, That the said corporation may purchase and hold the lot of land in Salem aforesaid, whereon they have lately built a meeting-house, and such other estate, real and personal, as the corporation shall determine to own: *provided*, that the annual income of the whole estate of the corporation, besides the meeting-house and land under it, shall not exceed three thousand dollars. And the said corporation may sue and be sued, by its corporate name, may make and use a common seal, and break or alter it at pleasure, may make any by-laws for the government thereof, and for the management of the corporate property, that a major part of the members present (calculating according to their respective interests) shall think for the best: *provided*, the same are not contrary to the constitution and laws of this Commonwealth; and is invested with all the powers, privileges and immunities, to which other religious societies in this Commonwealth are entitled by law.

Real and personal estate.

Proviso.

Powers and privileges.

SECT. 3. Be it further enacted, That the property of the several members of the said corporation, for the time being, shall be calculated according to their respective rights and interests in the pews of the meeting-house, lately built, as aforesaid, at the valuation thereof which hath been made; and all persons who shall become proprietors, or interested in said pews, shall be deemed to have associated with, and shall become members of this corporation, according to their respective interests in such pews.

Property of members in meeting-house.

SECT. 4. Be it further enacted, That the said corporation

Assessments.

are hereby authorized to raise, by an assessment on the pews in the said meeting-house, such sum and sums of money, for the settlement and maintenance of a minister or ministers, for the purchase of said lot of land, for the building up and repairing the meeting-house, and for defraying the other expenses of public worship, with incidental charges, as the members of the same shall agree on, at any legal meeting, to be called for that purpose, according to the said valuations ; and the sums so assessed shall be paid by the respective proprietors of such pews ; and if any proprietor of such pew shall neglect to pay any assessment, which shall be legally made thereon, as aforesaid, for one year after the same shall have been made, the treasurer of said corporation, for the time being, shall be authorized and empowered to sell and convey all the estate, share and interest of such delinquent proprietor, in the said corporation, at public auction, first giving notice thereof, fourteen days at least previous to the sale, at two of the doors of said meeting-house ; and upon such sale to execute a good and sufficient deed or deeds thereof to the purchasers ; and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the sale was made, and all incidental costs and charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

Treasurer authorized to sell pews of delinquents.

First Meeting.

SECT. 5. *Be it further enacted*, That Robert Upton, Samuel Webb, Jun., and Michael Webb, Jun., be, and hereby are authorized to call the first meeting of the members of this corporation, by publishing a notice on the doors of the meeting-house, requiring them to meet, at such time and place as shall be therein set forth, to choose a moderator and a clerk, (who shall be duly sworn,) a treasurer and a committee, and such other officers as they shall judge necessary ; and the moderator of that, and all future meetings, shall have power to administer the oath of office to the clerk, and the committee appointed at that, or any other meeting of said proprietors, legally called for that purpose, shall have power and authority to assess and apportion, on the pews in said meeting-house, all such sum and sums of money, as the members of said corporation shall lawfully agree to raise ; and shall also be authorized to execute and deliver, in the name and behalf of said corporation, deeds of the pews in said meeting-house.

Deeds of pews.

Annual meeting.

SECT. 6. *Be it further enacted*, That the annual meeting of this corporation shall be holden on the first Monday in January, of every year ; which meeting shall be called by order of the committee, requiring the proprietors' clerk to publish a notice of the same, on the doors of the meeting-house, the day previous thereto. And upon the petition of any ten members of this corporation, to the committee, that a special meeting be called, of the members, it shall be their duty to issue their warrant to the proprietors' clerk, requiring him to call said meeting, giving at least seven days notice, on the doors of said meeting-house, and directing the time and place where such meeting shall be held.

Special meetings.

[Feb. 15, 1826.]

An ACT to regulate the Passage Ways for Fish in Ipswich river, within the town of Ipswich. *Chap. 78.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That instead of the passage ways now required by law to be kept open at Warner's mill dam, and the dam at Farley's mill, in Ipswich, the owners of said dams, their successors and assigns, shall make and continue in good repair a fish way over said dams, at the northerly end of the same, of the following description and dimensions:—said fish ways to be made either with wood or stone, beginning at the top of the dams, five feet in width and one foot in depth, and to admit of not less than six inches of water over the dam into said ways, and thence running down stream twenty feet, and terminating at seven feet in width, with stoppers on each side, of plank or stone, running not more than half way across said passage ways, within two feet of each other; and said head shall be kept open and in good repair at all times from the tenth day of April to the first day of June, in each year.

1787 ch. 58.
(v. 1. p. 191.)
1796 ch. 66.
(v. 2. p. 128.)
1805 ch. 29.

Description and
dimensions of
fish ways.

SECT. 2. *Be it further enacted,* That so long as the owners of said dams shall keep open said course or passage ways, and in good repair, in manner aforesaid, they shall not be subject to any of the penalties or restrictions of any law regulating the passage of fish in Ipswich river. [*Feb. 15, 1826.*] Add. act, 1829 ch. 40.

Exemption from
penalties.

An ACT to incorporate the New England Glass Bottle Company.

Chap. 79.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Deming Jarvis and Edmund Munroe, together with such other persons as may become associates with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the New England Glass Bottle Company, for the purpose of manufacturing black and green glass ware in the city of Boston and the town of Cambridge, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incor-
porated.

Powers and
duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may hold and possess such real estate, not exceeding in value one hundred thousand dollars, and such personal estate not exceeding three hundred thousand dollars, as may be necessary and convenient for carrying on the business of making black and green glass ware.

Real and per-
sonal estate.

SECT. 3. *Be it further enacted,* That either of the persons named in this act be, and he is hereby authorized to appoint the time and place of holding the first meeting of said corporation, and notify each of the members thereof, either by personal notice

First meeting.

or otherwise, seven days at least before the time of holding the first meeting. [*Feb. 15, 1826.*]

Chap. 80. An ACT to prevent the going at large of Neat Cattle on the Province Lands, in the county of Barnstable, and for other purposes.

Cattle not to go at large on province lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons, to suffer any neat cattle, horses or sheep, to go at large on the province lands and beach in the county of Barnstable, or to cut any beach grass, brush, or wood thereon, or to pull up any roots of shrubs, trees, or beach grass therefrom.

Penalties.

SECT. 2. *Be it further enacted,* That if any person or persons shall violate the provisions of this act, each person so offending, for each and every such offence, shall, on conviction thereof, pay a fine not exceeding ten dollars, nor less than five dollars, to be recovered, the one half to him or them who shall sue for the same, and the other half to the town of Provincetown, by action of debt in any court proper to try the same. [*Feb. 15, 1826.*]

Chap. 81. An ACT to incorporate the Trustees of the New England Conference of the Methodist Episcopal Church.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edward Hyde, Joseph A. Merrill, Solomon Sias, Timothy Merritt and Ebenezer Blake be, and they hereby are nominated and appointed trustees, and incorporated into a body politic, by the name of the Trustees of the New England Conference of the Methodist Episcopal Church, and they and their successors in office, shall be and continue a body politic by that name forever. And the number of trustees shall never exceed nine, nor be less than five, a majority of whom shall form a quorum, but a less number may adjourn from time to time.

Number of trustees.

Estate, real or personal.

SECT. 2. *Be it further enacted,* That all lands, monies, or other property, heretofore given to the New England conference, or which may hereafter be given, granted or assigned to the said conference, or the trustees thereof, shall be confirmed to the said trustees and their successors in that trust forever, for the purposes which, in the instruments of conveyance are, or shall be expressed. And the said trustees shall be capable of having, holding and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal : *provided,* that the net annual profits thereof shall not exceed six thousand dollars.

Proviso.

Powers of the trustees.

SECT. 3. *Be it further enacted,* That the said trustees, for the time being, shall have full power to determine and fill all vacancies which may happen by death, resignation, incapacity or otherwise, so as to keep up at least the number of five trustees forever : *provided,* that no person shall be eligible to, or sustain the office of trustee, who is not a regular member of the said conference ; to fix the times and places for holding their meetings, the

manner of notifying the trustees, the method of filling vacancies, and to make such by-laws as they may think proper, for the management of their concerns: *provided*, the same be not repugnant to the laws of this Commonwealth. By-laws.

SECT. 4. *Be it further enacted*, That the trustees aforesaid may have a common seal, which they may change at pleasure; and all deeds sealed with said seal, acknowledged and delivered by the treasurer of said trustees, with all notes, bonds, and other instruments signed by him according to their order, shall be good and valid in law. And the said trustees may sue and be sued, in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the New England Conference of the Methodist Episcopal Church. Deeds and other instruments.

SECT. 5. *Be it further enacted*, That Solomon Sias be, and he hereby is authorized and empowered to appoint the time and place for holding the first meeting of the said trustees, and to notify them thereof, by publishing the same in *Zion's Herald*, at least thirty days before the time of meeting. First meeting.

SECT. 6. *Be it further enacted*, That any or all the foregoing articles and provisions of this act may be altered, amended or repealed, by the Legislature of this Commonwealth, at their will and pleasure. [*Feb. 15, 1826.*] Legislature may alter this act.

An Act in addition to an Act, to incorporate the Ware Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Ware Manufacturing Company be, and they hereby are empowered to increase their present capital stock, by the addition of any sum or sums, not exceeding in the whole the further sum of three hundred thousand dollars. The whole capital stock of said company, being at no time to exceed the sum of six hundred thousand dollars. [*Feb. 15, 1826.*] Add. act, 1826 ch. 56. Chap. 82.
1821 ch. 65.
Increase of stock.

An Act to incorporate the Enfield Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Smith and Alfred Smith, with such others as have already associated or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Enfield Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn or cloth, and vending the same, and of manufacturing and vending implements and machinery useful in the making of such yarn or cloth, in the town of Enfield, and county of Hampshire; and for those purposes, shall have all the powers and privileges, and be liable to all the duties and requirements, contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto. Chap. 83.
Persons incorporated.

Powers and duties.
1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may

Real and personal estate.

be lawfully seized and possessed of such real estate, not exceeding in value fifty thousand dollars, and such personal estate, not exceeding in value fifty thousand dollars, as may be convenient for carrying on the business and manufactures aforesaid.

First meeting.

SECT. 3. *Be it further enacted*, That any one or both of the persons above named, may call the first meeting of the members of the said corporation, at such time and place as they shall see fit to appoint, by giving twelve days previous written notice thereof to each of said members, or by publishing the same three weeks successively in any newspaper printed in Northampton, in the county of Hampshire, for the purpose of making by-laws to regulate the concerns, and choosing officers of said corporation. [Feb. 15, 1826.]

Chap. 85.

An ACT in addition to an Act, establishing the second precinct in Attleborough.

1806 ch. 69.

Conditions of membership.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no person shall hereafter become a member of said second precinct so that he be entitled to vote in any precinct meetings therein, unless such person shall have six months previously to any such meeting, signified his intention, in writing of becoming a member of said corporation, and lodge a certificate with the clerk thereof.

Clerk to keep a list of members.

SECT. 2. *Be it further enacted*, That the clerk of said second precinct shall at all times keep a correct list of all the members of said corporation, and once in each year lay a true copy of the same before the said corporation, at their annual meeting. [Feb. 15, 1826.]

Chap. 86.

An ACT discharging the third New-Hampshire Turnpike Road Corporation from their liability to maintain part of their road.

1801 ch. 11.
(v. 2. p. 442.)

Discharged from liability to repair road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Third New-Hampshire Turnpike Road Corporation be, and they are hereby forever discharged from their liability to maintain and keep in repair all that part of said turnpike road which lies in the town of Townsend, in the county of Middlesex ; any thing in their act of incorporation to the contrary notwithstanding. [Feb. 15, 1826.]

Chap. 87.

An ACT to incorporate the First Universalist Society in Plymouth.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Brown, Daniel Jackson, Jun., John Gooding, James Bradford, William M. Jackson, Caleb Rider, Isaac Bartlett, Finney Leach, and all other persons who now are, or hereafter may be associated with them, and their successors, shall be, and hereby are created and established as a religious society and body corporate and politic, by the name of the First Universalist Society in Plymouth, and by that name may sue and be sued, plead and be impleaded, and possess and enjoy all the privileges, powers and immunities to which parishes and other religious societies are by the constitution and laws of this

Powers and privileges.

Commonwealth entitled, and shall have authority to take, hold, and possess, by grant, gift, devise, or otherwise, any real or personal estate, for the purpose of supporting public worship, and other religious parochial and charitable purposes, not exceeding the annual income of five thousand dollars, and shall also have authority to choose all such officers, and make all such by-laws and regulations as may seem expedient for the due government of said society, and the management of their funds, and other parochial concerns: *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

Estate, real or personal.

By-laws.

Proviso.

SECT. 2. *Be it further enacted*, That the said society shall also have power, at their annual meeting, to assess all such taxes as may be necessary and proper for the maintenance of public worship, the repairs and preservation of the church, and all other parochial charges and expenses, and shall also have power to determine the mode of assessing said taxes, either upon the pews in the church of said society, according to their relative value to be ascertained by the first sale of each pew, or upon the real and personal estate of the individual members of said society, and upon their rateable polls, in the same manner and with equal power for collecting the same, as is by law allowed for assessing and collecting similar taxes. And whenever it may be determined to assess the taxes on the pews, the taxes so assessed shall be a lien on the pews respectively, and in case of the non payment of the taxes so assessed for the space of two years from the time of assessing the taxes, the pew or pews upon which the tax or taxes shall have been assessed shall be forfeited to the society, and may be sold at public auction in such manner as the society may by their by-laws and regulations provide, and the net proceeds of the said sale, after deducting the amount of taxes due thereon, with the charges of sale, shall be paid to the proprietor of the pew, so sold, or to his assigns, and the society shall have full authority to convey to the purchaser of any pew so sold, a good and valid title as purchaser thereof.

Assessment of taxes.

Tax on pews to be a lien on the pews.

SECT. 3. *Be it further enacted*, That there shall be an annual meeting of said society, either in the month of April or May, in every year, at which meeting the society shall have power to raise all such sums of money as shall be needed for the purposes before mentioned, and may choose their officers, who shall hold their offices during one year, and until others are elected in their stead.

Annual meeting.

SECT. 4. *Be it further enacted*, That the first meeting of this society, may be called by either of the persons named in this act, by an advertisement in the Old Colony Memorial, a newspaper printed in Plymouth, seven days before the time of holding such meeting, and at such meeting all business may be transacted which should be done at any annual meeting, and all proceedings may be had to organize said society, and to carry into effect all the powers given to said society in this act. [*Feb. 15, 1826.*]

First meeting.

Chap. 88.

An ACT continuing the Massachusetts Charitable Mechanic Association.

1805 ch. 75.

Extended.

1813 ch. 186.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Massachusetts Charitable Mechanic Association, incorporated by an act entitled “an act to incorporate Jonathan Hunnewell and others,” shall and may remain a corporation during the pleasure of the Legislature, from and after the time limited for the continuation of said corporation, by an act passed on the twenty-sixth [*twenty-eighth*] day of February, one thousand eight hundred and fourteen, with the same powers and privileges it now enjoys, excepting that its personal and real estate may amount to one hundred thousand dollars, and that it may establish schools and libraries for the use of apprentices, and the improvement of the arts. [*Feb. 15, 1826.*]

Chap. 91.

An ACT to incorporate the Proprietors of Butler's Row, in the city of Boston.

Persons incor-
porated.

Privileges.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John P. Thorndike, David Greenough, and others, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Butler's Row ; and the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the estate herein after described, consistent with the laws of this Commonwealth ; and generally to do and execute whatever by-laws do [*by law does*] or may appertain to bodies politic and corporate, within the meaning and intent of this act.

Real estate.

Proviso.

SECT. 2. *Be it further enacted,* That the corporation be, and the same hereby is declared and made capable in law, to have, hold and possess, by fee simple, lease hold or otherwise, all that certain real estate, situate in said Boston, bounded as follows : westerly on Merchant's row, ninety feet ; northerly, on a new street, forty feet wide, there measuring two hundred and eighty-eight feet ; easterly, on land of the proprietors of Long wharf, forty-five feet ; southerly, on a twelve feet passage way and land of the heirs of Tuttle Hubbard, two hundred and eighty feet, more or less ; together with all the rights, privileges and appurtenances thereof : *provided,* the lawful proprietors thereof shall legally convey the same to said corporation ; and the said corporation shall have power to sell, grant, and alien in fee simple, or otherwise convey their corporate property, or any part thereof within said described limits ; and to lease and manage, and improve, build, rebuild, pull down, or alter the same, according to their will and pleasure, by such forms of conveyances and contract as shall by their laws be provided, in conformity to the laws of this Commonwealth.

Shares, and the
transfer thereof.

SECT. 3. *Be it further enacted,* That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the forms of

certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation, in a book to be kept for that purpose ; and shall be liable to attachment on mesne process, and sale on execution, in the manner and according to the form of the statutes making provision for the attachment of sales, [and sale] of shares of debtors in corporate companies.

SECT. 4. *Be it further enacted*, That the real estate and other property of said corporation shall be liable to be attached on mesne process, and be set off and sold on execution, against the corporation, in the same manner as the property or estate of individuals, is by law subject to mesne or final process, and the said corporation shall possess the right in equity of redeeming the same, appertaining (by the laws of this Commonwealth) to other real estate.

Estate may be attached and set off in the same manner as the property of individuals.

SECT. 5. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money, as, at a legal meeting, held and notified for that purpose, may be deemed necessary, for building, or rebuilding, repairing, or altering any buildings whatever, on the land within said described limits, or for the improvement or management of the corporate estate, agreeably to the true intent of this act ; and in case any proprietor shall neglect or refuse to pay any assessment so laid, the said corporation may cause such of the shares of such proprietors, as may be sufficient therefor, to be sold at public auction, after ten days notice, in a public newspaper, printed in Boston, to the highest bidder ; and, after deducting the amount assessed and unpaid, together with the charges of sales and advertisement, the surplus (if any) shall be paid over to such proprietor ; and the purchaser of such share or shares, shall be entitled to receive a certificate of the share or shares by him purchased accordingly.

Assessments.

Shares may be sold to pay assessments.

SECT. 6. *Be it further enacted*, That in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share, by him held in said corporation : *provided, always*, that no one member shall ever be entitled to more votes than shall be equal to one third in value of the corporate property. Proprietors may appear and act at any meeting, by proxies in writing.

Right to vote.

SECT. 7. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said corporation, by advertisement in any newspaper printed in Boston, three times, the first not to be less than six days before the time appointed for such meeting ; and the corporation at their first meeting, and afterwards, annually, on such days as shall be established by the by-laws, may choose a president, clerk, and such other directors or officers, as they may see fit, for conducting their corporate affairs and estate ; the clerk to be sworn before entering on the duties of his office.

First meeting.

Individual responsibility.

SECT. 8. *Be it further enacted*, That all covenants, contracts and debts, which shall be made by said corporation, shall be binding on each one and all those persons who shall be stockholders in said corporation, when such covenants or contracts respectively are made, and their respective heirs, executors and administrators, in the same manner as if such covenants or contracts had been made by such stockholder or stockholders, in his or their individual capacity ; and whenever any proprietor or stockholder shall pay any sum of money for the covenants, contracts, or debts of said corporation, said proprietor or stockholder, shall have the right to recover from each proprietor or stockholder, their proportion of the money by him paid, according to the shares held by them respectively.

Limitation and repeal of this act.

SECT. 9. *Be it further enacted*, That this act shall continue in force twenty years from the passing thereof, after the expiration of which term, the same may be repealed at the pleasure of the Legislature : *provided*, that in case of said repeal, the lands and tenements of said corporation, shall be vested in the shareholders, at the time of such repeal, and their heirs, as tenants in common, in proportion to their respective interest in the premises. [*Feb. 16, 1826.*]

Proviso.

Chap. 93.

An ACT to incorporate the Salem Society for the Moral and Religious instruction of the Poor, in the town of Salem, in the county of Essex.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Asabel Huntington, Esq., Doctor Joseph Torrey, Ezekiel Savage, Theodore Eames, and Joseph Howard, Esq's., all of Salem, in the county of Essex, with those who may be associated with them, and their successors, be, and hereafter are, incorporated and made a body politic, by the name of the Salem Society, for the Moral and Religious Instruction of the Poor, for the purpose of furnishing means of useful knowledge and moral improvement to the poor and ignorant in said town of Salem, who may be otherwise destitute of such instruction, and also for establishing and patronizing sabbath and other schools, for the promotion of religion and virtue in the rising generation ; and the society aforesaid may have a common seal, and may purchase and receive, by gift, devise, or otherwise, lands, tenements, and real estate of any kind, and the same [to] hold in fee simple or otherwise, and also subscriptions, donations, and bequests of money or other personal estate, the annual income of which shall not exceed two thousand dollars.

Powers.

Real and personal estate.

Election of officers.

SECT. 2. *Be it further enacted*, That the said society may annually elect by ballot, by a majority of the members present, a president, vice president, treasurer and secretary, and such number of trustees as they may think proper, so that there be not less than five, and such other officers as may be found needful ; and may, at their first meeting, under this act of incorporation, by a vote of the majority of the members present at such meeting, make and adopt such constitution or system of rules

and by-laws, as they may think proper, not repugnant to the constitution and laws of this Commonwealth, for the conducting and executing the business of said society, and for the more effectually securing the objects of their institution ; which constitution shall not be altered, but in the manner therein provided.

SECT. 3. *Be it further enacted*, That the society aforesaid shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer by the name and title aforesaid.

SECT. 4. *Be it further enacted*, That it shall be the duty of the treasurer, at every annual meeting for the choice of officers for this society, to exhibit an account of the state of the funds, which account shall be previously examined and certified by a committee of the directors, appointed by the board for that purpose.

SECT. 5. *Be it further enacted*, That Ezekiel Savage, Esq., be, and he is hereby authorized to call the first meeting of said society in their corporate capacity, by publishing a notification in one of the newspapers printed in Salem, ten days before the time therein appointed. [Feb. 22, 1826.]

An Act in addition to an Act entitled "An Act empowering the Centre School District, in the town of Worcester, to raise money."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of said Centre School District, in the town of Worcester, are hereby authorized and empowered to determine, at any legal meeting, in what manner future meetings of said inhabitants shall be warned.

SECT. 2. *Be it further enacted*, That Samuel M. Burnside, William Eaton and John W. Lincoln, or either two of them, be, and they hereby are, authorized to warn the next meeting of the inhabitants of said school district, by posting up, at each of the four public meeting houses within said town of Worcester, a notification, expressing therein the time, place, and purpose of the meeting, fourteen days, at least, before the time appointed for holding the same. [Feb. 22, 1826.]

An Act to incorporate the Lynn Printing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jeremiah Fitch, William Tileston and John Hall, their associates, successors and assigns, be, and they hereby are made a corporation and body politic, by the name of the Lynn Printing Company, for the purpose of printing, dying, and bleaching, cotton, woollen, silk and other fabricks, in Lynn, in the county of Essex, and for this purpose, that they shall have all the powers and privileges, and be subject to all the duties and requirements contained in the act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, "entitled an act defining the general powers and duties

By-laws.

Society may sue and be sued.

Treasurer to make a statement of the funds at the annual meeting.

First meeting.

Chap. 94.

1823 ch. 57.

Inhabitants of the district to determine how meetings shall be warned.

Persons appointed to warn next meeting.

Chap. 95.

Persons incorporated.

Powers and duties.

1808 ch. 65.

of manufacturing corporations," and the several acts in addition thereto.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may purchase, become lawfully seized and possessed of real estate, to the amount of eighty thousand dollars, and personal estate, to the amount of one hundred and fifty thousand dollars, and hold and manage such real and personal estate, as they shall find necessary and convenient for carrying on their business, not exceeding the value of two hundred and thirty thousand dollars.

First meeting.

SECT. 3. *Be it further enacted*, That any one of the persons mentioned in this act, be, and he is hereby authorized to appoint the time and place for holding the first meeting of the corporation for the organization of the same, and other purposes, and to notify the other persons mentioned in this act, and their associates, either personally or otherwise, at least ten days before said meeting. [*Feb. 22, 1826.*]

Chap. 96.

An ACT to incorporate the Newton Theological Institution.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of Newton, and in the county of Middlesex, an institution for the purpose of educating pious young men for the gospel ministry, in such manner as the trustees, for the time being, shall direct; and that Joseph Grafton, Lucius Bolles, Daniel Sharp, Jonathan Going, Bela Jacobs, Ebenezer Nelson, Francis Wayland, Jun., Henry Jackson, Ensign Lincoln, Jonathan Bacheller, and Nathaniel R. Cobb, be nominated and appointed trustees; and they are hereby incorporated into a body politic, by the name of the Trustees of the Newton Theological Institution; and they, and their successors shall be and continue a body politic, by that name forever.

Real and personal estate.

SECT. 2. *Be it further enacted*, That all lands, monies, or other property, heretofore given or subscribed, for the purpose of erecting or establishing an institution as aforesaid, or which shall hereafter be given, granted or assigned to the said trustees, shall be confirmed to the said trustees, and to their successors, in that trust, forever, for the uses which, in such instrument, shall be expressed; and the said trustees shall be capable of having, holding and taking, in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, and other estate, real or personal: *provided*, the annual income of the same shall not exceed the sum of twenty thousand dollars, and shall apply the profits thereof, so as most effectually to promote the designs of the institution.

Proviso.

Powers of the trustees.

SECT. 3. *Be it further enacted*, That the said trustees, for the time being, shall be the governors of said institution, shall have full power, from time to time, to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices, to remove from office any trustee, when, from age or otherwise, he shall become incapable of discharging the duties of his office, or when, in the judgment of a

majority of the trustees, he is an improper person to hold such office, to fill all vacancies that may happen in the board of trustees, to determine the time and places for holding their meetings, the manner of notifying the trustees, the method of electing members of the board, to elect instructors, and prescribe their duties, to make all such rules and regulations, as they may, from time to time, consider expedient for the management of the institution : *provided*, the same be not repugnant to the laws of this Commonwealth.

SECT. 4. *Be it further enacted*, That the trustees of said institution may have a common seal, which they may change at pleasure ; and all deeds sealed with said seal, and delivered and acknowledged by the treasurer of said trustees, by their order, shall be good and valid in law ; and said trustees may sue and be sued, in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of [the] Newton Theological Institution.

Execution of
deeds.

SECT. 5. *Be it further enacted*, That the number of said trustees shall never exceed twenty-five, nor be less than nine ; and one third of the existing number of trustees shall be necessary to constitute a quorum for doing business ; but a less number may, from time to time, adjourn until a quorum can be constituted.

Number of
trustees.

SECT. 6. *Be it further enacted*, That Lucius Bolles and Daniel Sharp be, and they are hereby authorized and empowered to fix the time and place for holding the first meeting of the trustees, and to notify them thereof, by serving each of them with personal notice, six days before the time appointed for the first meeting. [Feb. 22, 1826.]

First meeting.

An ACT to empower the inhabitants of the town of Charlestown to choose Assistant Assessors.

Chap. 97.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Charlestown may, at their annual meeting for the choice of town officers, or at any other meeting called for the purpose, divide said town into any number of wards, not exceeding six, and elect, annually, by ballot, from each of the said wards, one or more suitable persons to assist the assessors in taking a list of the rateable polls, in estimating the value of the personal property, and appraising the value of all real estates in said town.

Town may be
divided into
wards, and as-
sistant assessors
chosen.

SECT. 2. *Be it further enacted*, That said inhabitants may, at any time previous to choosing said assistant assessors, vote that they shall be chosen for that year, in distinct wards, in which case the town shall determine the number to be chosen from each ward, and the inhabitants of the said wards shall be separately assembled within twenty days afterwards, and within the limits of their respective wards, as follows, viz.—The town clerk shall issue a warrant for each ward, directed to one of the constables of said town, requiring him to notify and warn all the inhabitants of that ward, qualified to vote in town affairs, to assemble at the time and place therein specified, to choose a moderator and clerk,

Town clerk to
issue a warrant
to each ward.

and such number of persons, by ballot, for assistant assessors, as the inhabitants of said town shall have agreed upon. And the several ward clerks shall be duly qualified for the discharge of their duties, and shall, within two days after such meeting, make return to the town clerk in writing, of the names of the persons so chosen; and they shall thereupon be notified of their election, and be qualified in the same manner as other town officers. And in case a vacancy, from any cause, shall occur among the persons chosen by either of the modes herein prescribed, the inhabitants of the ward where such vacancy shall exist, shall be assembled in manner aforesaid, for the purpose of filling the same. [Feb. 22, 1826.]

Vacancies to be filled.

Chap. 98.

An ACT to establish the Wareham Cotton Mill Company.

Persons incorporated.

Powers and duties.

1803 ch. 65.

Real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Lysander Makepeace, Alvan Makepeace, and Benjamin Lincoln, 2d, and such other persons as now are, or may hereafter be associated with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Wareham Cotton Mill Company, for the purpose of manufacturing cotton in the town of Wareham, in the county of Plymouth; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding forty thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton. [Feb. 22, 1826.]

Chap. 99.

An ACT to incorporate the Boston and Sandwich Glass Manufacturing Company.

Persons incorporated.

Powers and duties.

1803 ch. 65.

Real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Deming Jarvis, Henry Rice, Andrew T. Hall, and Edmund Munroe, and such persons as may become associated with them, and their successors and assigns, be, and they hereby are made a corporation, by the name of the Boston and Sandwich Glass Company, for the purpose of manufacturing glass in the city of Boston, and the town of Sandwich, in the county of Barnstable; and for that purpose shall have all the powers and privileges, and shall be subject to all the duties, requirements, and disabilities prescribed and contained in an act passed the third day of March, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said corporation, in their corporate capacity, shall and may lawfully hold and possess such real estate, not exceeding one hundred thousand dollars, and personal estate, not exceeding two hundred thousand

dollars, as may be necessary and convenient for carrying on the manufacture of glass in the places aforesaid. [Feb. 22, 1826.]

An Act to authorize Seth Knowles to dispose of certain real estate in Charlestown, and to invest the proceeds thereof in other real estate.

Chap 100.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Seth Knowles, of Charlestown, in the county of Middlesex, merchant, as he is guardian of his minor children herein after named, be, and he hereby is duly authorized and empowered to sell and dispose of all, or any part of the real estate, situate in said Charlestown, and devised to his minor children, Joseph Knowles, Sarah Knowles, and Caroline Knowles, in and by the last will and testament of their late grandfather, Matthew Bridge, of said Charlestown, deceased; and the said Seth Knowles is hereby authorized and empowered to make, execute, and acknowledge any deed or deeds, necessary and proper, to convey to any person or persons, all the right, title, and interest of said minor children, in and to said real estate, or any part thereof. And the said Seth Knowles is hereby further authorized and empowered, with the proceeds of such sale or sales, to purchase, in the names, and for the use of his said minor children, and their respective heirs and assigns, any other real estate, situate in said Charlestown, or in the city of Boston: *provided*, that the said Seth Knowles shall, before he shall make any such sale, give bond, with sufficient sureties, to the judge of probate for the county of Middlesex, that he will faithfully, and at his best discretion, cause the said real estate, so devised to his said children, to be sold to the best profit and advantage; and will well and truly invest, or cause to be invested, the proceeds thereof, in such other real estate as aforesaid, as shall be most for the advantage of said minors; and that he will, so long as he shall continue to be the guardian of his said minor children, well and faithfully manage the said real estate so purchased for said minors, and on oath, account with the said judge of probate, for the rents and profits thereof, whenever, and as often as he shall be thereunto required by the said judge of probate: *and provided, also*, that no such purchase shall be made by said Knowles, but with the approbation, and by the order of the said judge of probate, which order he is hereby empowered to make. [Feb. 22, 1826.]

S. Knowles may sell real estate of his minor children.

Shall give bond to the judge of probate.

Proviso.

An Act to unite the towns of Dighton and Wellington, in the county of Bristol.

Chap 101.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the last day of February, in the year of our Lord one thousand eight hundred and twenty-six, the towns of Dighton and Wellington, in the county of Bristol, shall constitute one town, by the name of Dighton, with the same boundaries the town of Dighton had, prior to the act incorporating the town of Wellington, passed June the ninth, in the year of our Lord one thousand eight hundred and fourteen, with all the corporate privileges of other towns in this Commonwealth: *provid-*

1814 ch. 11.
1823 ch. 99.

Towns united.

1814 ch. 11.

Proviso. *ed, nevertheless, that the said town of Dighton shall be entitled to all debts due to, and shall be liable to all debts due from, the said town of Wellington on said last day of February, that the said town of Dighton shall accept of said union, agreeably to the provisions of this act, in a legal town meeting to be held previous to the first day of March next, and that the towns of Dighton and Wellington shall be and remain distinct corporations, for one year from the passing of this act, for the purpose of adjusting their corporate concerns, and for no other purpose.* [Feb. 22, 1826.] Add. acts, 1826 ch. 105: 1827 ch. 22.

[Time enlarged
1826 ch. 105:
1827 ch. 22]

Chap 102.

An ACT to incorporate the Roxbury Colour and Chymical Manufactory.

**Persons incor-
porated.** **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph R. Newell, John Baker, John Bacon, their associates and successors, be, and they hereby are incorporated and made a body politic, by the name of the Roxbury Colour and Chymical Manufactory, for the purpose of manufacturing, in the town of Roxbury, in the county of Norfolk, colours, acids, and chymicals generally, with power to have and to use a common seal, to sue and be sued, to ordain and make, from time to time, by-laws and rules for the government and management of the corporation: provided, the same be not repugnant to the constitution and laws of this Commonwealth; and that they have all the privileges usually given by acts of incorporation for manufacturing purposes, subject to the rules, regulations and penalties of the act, entitled “an act defining the powers and privileges of manufacturing companies, [corporations]” passed March third, one thousand eight hundred and nine, and all other acts supplementary thereto.*

**Privileges and
liabilities.**

1808 ch. 65.

**Real and per-
sonal estate.** **SECT. 2.** *Be it further enacted, That the said corporation may take, by purchase, grant, or otherwise, and hold real estate, not exceeding the value of twenty thousand dollars, and personal estate, not exceeding the value of fifty thousand dollars, for the prosecution of their business.*

First meeting **SECT. 3.** *Be it further enacted, That Joseph R. Newell be, and he hereby is authorized to call the first meeting of said corporation, by advertisement in one of the newspapers printed in Boston, he giving ten days notice of such meeting, and appoint the time and place thereof; at which meeting by-laws may be passed, and the mode of calling other meetings regulated.*

**Corporators
liable for nui-
sance.** **SECT. 4.** *Be it further enacted, That nothing in this act shall preclude or affect the legal remedy against said corporators, for any nuisance to the public, or to private individuals, and that this act may be amended, revised, or terminated, at the pleasure of the Legislature.* [Feb. 22, 1826.]

Chap 104.

An ACT to incorporate the Second Congregational Society in Northampton.

**Persons incor-
porated.** **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Hinckley, Joseph Lyman, Ebenezer Hunt, Samuel Howe, George Bancroft, James Shepherd, Christopher Clark and Nathaniel Fowle, and their associates, now*

constituting the unincorporated congregational society in Northampton, with their families, polls, and estates, be, and they hereby are incorporated into a religious society, by the name of the Second Congregational Society in Northampton, with all the powers, privileges and immunities of parishes. And may purchase, receive and hold real and personal estate, to an amount not exceeding thirty thousand dollars, and may ordain and establish such by-laws and regulations for the government of their concerns, as they shall judge expedient: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Powers and
privileges.

Real and personal
estate.

SECT. 2. *Be it further enacted*, That every member of said society, who shall have paid the sum of fifty dollars to the use of said society, or shall become the proprietor of a pew in the meeting-house erected therefor, or shall have actually paid the rent for the current year, of any such pew, shall have a right to vote at the meetings of said society.

Right of voting.

SECT. 3. *Be it further enacted*, That Samuel Hinckley, Joseph Lyman, Ebenezer Hunt, Samuel Howe, James Shepherd, George Bancroft, Nathaniel Fowle and Christopher Clark, proprietors of the meeting-house, recently erected by them, for the said society, be, and they are hereby made a corporation, by the name of the Proprietors of the Second Congregational Meeting-house in Northampton.

Proprietors of
meeting-house
incorporated.

SECT. 4. *Be it further enacted*, That the said proprietors shall choose one of their number treasurer of said proprietors, who shall give bond to said proprietors, with sufficient surety or sureties, to their acceptance, in the penal sum of fifteen thousand dollars, for his faithful discharge of said trust; and whose duty it shall be, under the direction of a committee of said proprietors, to be chosen for that purpose, to sell, and lease, the pews in said meeting-house, by deed under his hand and seal, and who shall have the care and custody of all the money, effects and securities belonging to said proprietors, and of their receipts and disbursements.

Treasurer to be
chosen, and
give bond.

SECT. 5. *Be it further enacted*, That the said proprietors shall receive and hold, in trust, all donations made to said society, and other funds of the same, and dispose of the same in such manner as the said society shall, from time to time, direct.

Donations.

SECT. 6. *Be it further enacted*, That the said proprietors shall have power to fill all vacancies that may arise in their number, from death, resignation, or removal from said society.

Power to fill
vacancies.

SECT. 7. *Be it further enacted*, That for security of the purchase money of any pew, or part of a pew, the said proprietors shall forever have a lien on the same in the hands of any person or persons holding or purchasing the same, until the said money be paid.

Lien on pews.

SECT. 8. *Be it further enacted*, That Joseph Lyman, Esq., be empowered to fix the time and place for holding the first meeting of said congregational society, by notice posted up at said meeting-house; and to fix the time and place for holding the first meeting of said proprietors, notifying each proprietor thereof. [Feb. 28, 1826.]

First meetings.

Chap 108. An Act in addition to an Act entitled "An Act to incorporate the President, Directors and Company of the Bunker Hill Bank."

1825 ch. 53.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Bunker Hill Bank be, and they hereby are authorized to issue bills, from said bank, to the amount of their capital stock, instead of half that amount, as now provided. [Feb. 28, 1826.] Add. act, 1830 ch. 58.

Chap 111. An Act to incorporate the School Fund Committee, in the town of Braintree.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Minott Thayer, Asa French, Elisha Holbrook, John V. Arnold, Amos Stetson, Samuel Capen and Doctor Jonathan Wild, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Braintree School Fund Committee.

Powers.

SECT. 2. *Be it further enacted,* That said corporation may have and use a common seal, and shall be capable of suing and being sued, in any action, real, personal or mixed, in any court, having jurisdiction thereof; shall or may take and hold, in fee simple, or otherwise, by gift, grant or devise, any estate, real, personal or mixed, not exceeding ten thousand dollars in value, which has or may be given to the town of Braintree, for the promotion of learning, or which has or may be raised by the town for the same purpose, and apply the income of the same to the purpose, or purposes, to which it was or may be designed; may make and execute any by-laws and rules, for the government of the corporation, and may appoint such officers, and invest them with such powers, as they may think expedient, not repugnant to the laws of this Commonwealth.

When town
may elect cor-
porators.

SECT. 3. *Be it further enacted,* That the said Minott Thayer, Asa French, Elisha Holbrook, John V. Arnold, Amos Stetson, Samuel Capen and Doctor Jonathan Wild, shall have power to act, in their corporate capacity, till the annual meeting of the town of Braintree, in the month of March, in the year of our Lord one thousand eight hundred and twenty-nine, at which time that town may choose, by ballot, seven other persons, or re-elect all, or any of said corporation, who shall continue in office three years, and the same process to be made every succeeding three years; and in case of death, absence or resignation, the aforesaid corporation shall have power to fill all vacancies which may occur.

Vacancies.

First meeting.

SECT. 4. *Be it further enacted,* That Minott Thayer is hereby authorized to call the first meeting of said corporation, for the purpose of choosing such officers as are necessary, by giving each individual three days notice. [Feb. 28, 1826.]

AN ACT to incorporate the town of Lowell.

Chap 112.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the northeasterly part of the town of Chelmsford, in the county of Middlesex, lying easterly and northerly of a line drawn as follows, viz: beginning at Merrimack river, at a stone post, about two hundred rods above the mouth of Patucket canal, so called, thence running southerly, in a straight course, until it strikes the Middlesex canal, at a point ten rods above the canal bridge, near the dwelling-house of Henry Coburn; thence southerly, on said canal, twenty rods, thence a due east course to a stone post at Concord river, be, and hereby is, incorporated into a town, by the name of Lowell, and the inhabitants of said town of Lowell are hereby invested with all the powers and privileges, and shall also be subject to the duties and requisitions of other incorporate towns, according to the constitution and laws of this Commonwealth.

Boundaries described.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the inhabitants of said town of Lowell shall be holden to pay all arrears of taxes which have been assessed upon them by the town of Chelmsford, before the passing of this act; and the said town of Lowell shall be holden to pay two-fifth parts of the balance or residue of all debts due and owing from said town of Chelmsford, on the first day of March, one thousand eight hundred and twenty-six, after deducting therefrom the sum of twenty-seven hundred and twenty-six dollars; and after applying to the payment of said debts all the money belonging to said town, and all the taxes assessed by said town of Chelmsford, before the passing of this act.

Inhabitants to pay arrears of taxes.

SECT. 3. *Be it further enacted,* That the said towns of Chelmsford and Lowell shall, hereafter, be liable for the support of all persons who now do, or hereafter shall, stand in need of relief, as paupers, whose settlement was gained or derived from a settlement gained or derived within their respective limits. And in all cases hereafter, wherein the settlement of a pauper was gained or derived from a settlement gained or derived, before the passing of this act, partly within the limits of both of said towns; or wherein it shall not be proved within the limits of which of said towns such settlement was gained, the said towns of Chelmsford and Lowell shall be equally liable for the support of said pauper.

Support of paupers.

SECT. 4. *Be it further enacted,* That until a new valuation is taken by the Commonwealth, the state and county taxes, and any reimbursements required by the Commonwealth, for the payment of the representative of the present and past years, of said town of Chelmsford, which may be called for from said towns of Chelmsford and Lowell, shall be paid jointly, by said towns, and in the proportion of three-fifths for said Chelmsford, and two-fifths for said town of Lowell.

State and county taxes and payment of representatives.

SECT. 5. *Be it further enacted,* That any justice of the peace, in the county of Middlesex be, and hereby is, authorized

First meeting.

to issue his warrant to any principal inhabitant of the town of Lowell, requiring him to notify and warn the inhabitants of said town of Lowell to assemble and meet at some convenient time and place, in said town, to choose all such officers as towns are required to choose, in the months of March and April, and to do and transact any other lawful business, relative to the affairs of said town. [March 1, 1826.] See 1836 ch. 128.

Chap 113. An Act regulating the deposit and transportation of Gunpowder, in the town of Salem.

The keeping of
gunpowder reg-
ulated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person, except on military duty, in the public service of the United States, or of this Commonwealth, shall keep, have or possess, in any house, ware-house, shop or other building, nor in any street, lane, alley, passage-way, yard or cellar, nor in any wagon, cart or other carriage, nor on any wharf, nor on board of any ship, or other vessel, within two hundred yards of any wharf, or of any part of the shore or the mainland, nor in any place within the town of Salem, gunpowder, in any quantity exceeding five pounds, in any way or manner, other than by this act, and by the rules and regulations herein after mentioned, may be permitted and allowed.

Firewards au-
thorized to
make rules in
relation to gun-
powder.

SECT. 2. *Be it further enacted,* That the firewards of the town of Salem, be, and they are, hereby, authorized to make and establish rules and regulations, from time to time, relative to the times and places at which gunpowder may be brought to, or carried from said town, by land or by water, the times when, and manner in which, the same may be transported through said town, to direct and regulate the kind of carriages, boats, and other vehicles, in which the same may be so brought to, carried from, and transported through, said town, to direct the manner in which gunpowder may be kept by dealers and other persons, and to direct and require all such precautions as may appear to them needful and salutary to guard against danger in the keeping of gunpowder, and in the transportation thereof, to, from, and through, the town of Salem.

Forfeiture of
gunpowder.

SECT. 3. *Be it further enacted,* That all gunpowder, which shall be kept, had or possessed, within the town of Salem, or brought into, or transported through the said town, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, may be seized and taken into custody by any one or more of the firewards of said town, and it shall be the duty of such fireward or firewards, within twenty days after such seizure, to file a libel, in the office of the clerk of the court of common pleas, for the county of Essex, stating the case of such seizure, and praying for a decree of forfeiture; and the judges of said court shall have power to hear and determine the case by a jury, where there is a claimant, but without a jury, if upon proclamation, no claimant appear; and to decree the forfeiture and disposition of such property according to law; and to de-

crea a sale and distribution of the proceeds, first deducting all charges ; and if such libel be not supported, restitution of the property shall be decreed without costs ; but if a claimant appear and dispute the forfeiture, and said gunpowder shall be finally decreed forfeited, such claimant shall pay all costs of prosecution, which may have legally arisen thereon.

SECT. 4. *Be it further enacted*, That all gunpowder so forfeited, shall be forfeited one moiety thereof to the use of this Commonwealth, and the other moiety thereof to the use of the town of Salem.

SECT. 5. *Be it further enacted*, That it shall and may be lawful, for any one or more of the firewards of the town of Salem to enter any building or other place in said town, in the day time, to search for gunpowder, which they may have reason to suppose to be concealed or kept contrary to the provisions of this act, or to the rules and regulations made as aforesaid, having first obtained a search warrant therefor according to law.

Firewards may search for gunpowder.

SECT. 6. *Be it further enacted*, That it shall be the duty of the firewards of the town of Salem, to cause all such rules and regulations as they may make and establish, by virtue of the authority given by this act, to be published in two or more newspapers printed in the town of Salem, and to cause such publication to be continued two weeks successively, for the information and government of all persons concerned. [March 2, 1826.]

Firewards to publish their rules.

An Act to incorporate the Pontosack Woollen Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Campbell, Jr., Henry Shaw, Thaddeus Clap, and George Campbell, their associates, successors, and assigns, be, and they are hereby made a corporation, by the name of the Pontosack Woollen Manufacturing Company, for the purpose of manufacturing wool and cotton at Pittsfield, in the county of Berkshire, and, for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "an Act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Chap 115.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of eighty thousand dollars, and such personal estate, not exceeding the value of one hundred and sixty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid, and the manufacture of machinery.

Real and personal estate.

SECT. 3. *Be it further enacted*, That David Campbell, Jr., be, and he is hereby authorized to appoint the time and place for holding the first meeting of said corporation, and to notify them thereof, either by personal notice, or otherwise, seven days at least before the time appointed. [March 2, 1826.]

First meeting.

Chap 116. An ACT in addition to an act, entitled “An Act to incorporate the First Baptist Society in Danvers.”

1818 ch. 69.

Society authorized to assess taxes on pews.

Taxes a lien on the pews, which may be sold for the same.

Right to vote.

Repeal.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Baptist Society in Danvers, shall have full power and authority, at any meeting, duly called for that purpose, to assess on the pews in their house of religious worship, all such taxes as may be necessary or proper, for the maintenance of public worship, and all other parochial charges and expenses, according to the relative value of the pews in the same, as shall be agreed on and established by said society, in such manner as they may think proper, and the taxes, so assessed, shall be a lien on the same pews respectively, and in case of the non payment of the tax or taxes, so assessed, for the space of one year after the same shall have been assessed, shall be forfeited to the said society, and may be sold at public auction, by order of the standing committee of said society, seven days previous notice being given of such intended sale, by an advertisement posted at said house ; and the net proceeds of said sale, after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor of the pew so sold, or to his assigns ; and the society shall have full authority to convey to the purchaser of any pew so sold, a good and valid title, as proprietor thereof.

SECT. 2. *Be it further enacted,* That to constitute a legal voter in the meetings of the society aforesaid, and in the management of all the concerns of the same, the person shall own, at least, one half a floor pew, or the whole of a pew in the gallery.

SECT. 3. *Be it further enacted,* That so much of the act to which this is in addition, passed February twelfth, in the year of our Lord, one thousand eight hundred and nineteen, as is inconsistent with the provisions of this act, be, and the same is, hereby repealed. [March 2, 1826.]

Chap 117. An ACT in further addition to an Act, entitled “An Act for incorporating the Proprietors of the Boston Pier, otherwise called the Long Wharf, in the town of Boston.”

July 14, 1772.
1806 ch. 11.
1824 ch. 2.

Proprietors of Long Wharf authorized to hold it in their corporate capacity.

Shares, and election of officers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of the Boston Pier, otherwise called the Long Wharf, be, and they are hereby made capable of taking and holding, in their corporate capacity, the said pier, or Long wharf, and the land under and adjoining, and all the estate which is now held by said proprietors, as tenants in common, and of alienating and disposing of the same, and of purchasing and holding any of said estate, within the limits now authorized by law, instead thereof ; and that the said corporation shall have power to divide their estate, stock and property into such number of shares, not exceeding two hundred, as the proprietors, by their vote, shall agree and determine on, and annually to choose a president and five directors, who shall hold their offices for one year, and until others are chosen in their stead, and shall have such powers, for the transaction of business, and the management

of the affairs of the corporation, as the proprietors shall see fit to confer on them, by their votes and by-laws. And the said corporation, after the proprietors' several interests shall be transferred to the same, as aforesaid, shall be entitled to, and have all the powers and privileges secured or intended to be secured to the same, by their act of incorporation, aforesaid, and the deed of partition therein mentioned, together with the several acts in addition thereto, and all the conveyances heretofore made by, and to the said corporation, in its corporate name and capacity, be, and they are hereby confirmed. [*March 2, 1826.*]

An Act to incorporate the Taunton and Providence Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Crocker, Jesse Smith, John West, Francis Baylies, James L. Hodges, D. G. W. Cobb, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Taunton and Providence Turnpike Corporation, for the purpose of making a turnpike road from Taunton green, in Taunton, in the county of Bristol, in the most convenient and suitable direction to Seekonk river, in said county, so as to connect the said town of Taunton, and the town of Providence, in the State of Rhode Island, by the most convenient and practicable route; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties contained in an act entitled "an act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto. [*March 3, 1826.*]

Chap 118.

Persons incorporated.

Powers and duties.

1804 ch. 125.

An Act to authorize the sale of certain Ministerial Lands in the county of Berkshire, and for appropriating the avails thereof for the use of Schools.

Chap 119.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Snellem Babbit, Esq., of Savoy, be, and he is hereby empowered to sell, either by public auction or at private sale, as he may judge most for the interest of those concerned, and pass deeds to convey all the lands reserved for the use of the ministry, in the grant originally made to William Bullock, Esq., and his associates, situate in the county of Berkshire, and the avails of the said sales shall be paid over and appropriated as is herein after provided. And whereas a part of said grant has been incorporated into the town of Savoy, a part thereof into the town of Clarksburgh, a part thereof into the town of Florida, and a part thereof into the town of Monroe.

S. Babbit empowered to sell ministerial lands.

SECT. 2. Be it further enacted, That the monies arising from said sale shall be divided between the said towns of Savoy, Clarksburgh, Florida and Monroe, in proportion to the quantity of land in said original grant, included in said Savoy, Clarksburgh, Florida and Monroe, the said division to be made under the direction of the judge of probate for the county of Berkshire, upon the principles before mentioned.

Division of proceeds.

To give bond
previous to sale.

SECT. 3. *Be it further enacted*, That the said Snellen Babbit shall, previously to his making sale of the said ministerial lands, give bond to the judge of probate, for said county of Berkshire, in a reasonable sum, with sufficient surety, for the faithful performance of his duty therein, and for the faithful application and appropriation of the monies which may come into his hands from the avails of said lands, according to the provisions of this act.

Monies to be
paid to town
treasurers.

SECT. 4. *Be it further enacted*, That the said Snellen Babbit shall, as soon as may be after the sale of the said lands, pay over the proceeds thereof, to the respective town treasurers of the towns of Savoy, Clarksburgh, Florida, and Monroe, in proportion to the sums that shall be coming to the said towns respectively, according to the provisions of this act.

Interest appro-
priated to
schools.

SECT. 5. *Be it further enacted*, That the monies arising from the sale of the said ministerial lands shall be put out at interest, as soon as may be, and secured, either by mortgage on real estate, or by two sufficient sureties, and the interest and profits only of said funds shall ever be appropriated to the use of schools; and it shall never be in the power of either of the said towns to alienate, or vary the appropriation of the said funds, or to apply them to any other object than the use of schools. [March 3, 1826.]

Chap 120.

An Act to incorporate the New-England Society for the promotion of Manufactures, and the Mechanic Arts.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Patrick T. Jackson, Jesse Putnam, John Doggett, and Henry A. S. Dearborn, and their associates, shall be, and they hereby are constituted a body politic and corporate, under the name of the New-England Society for the promotion of Manufactures and the Mechanic Arts; and by that name may sue and be sued, and may have and use a common seal, and alter and renew the same at pleasure; and the said corporation shall enjoy all the rights which corporate bodies usually enjoy; they shall have power to make all needful by-laws, rules, and regulations, and to appoint and elect such officers as the members of the corporation may, from time to time, deem necessary, for the orderly management of the concerns of said corporation: *provided*, such by-laws shall not be repugnant to the laws of this Commonwealth.

Powers and
privileges.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the said corporation be, and the same is hereby made capable of holding any real or personal estate, and of disposing of the same at their pleasure: *provided, however*, that the annual income of both the real and personal estate shall not exceed the sum of six thousand dollars.

Objects of en-
couragement.

SECT. 3. *Be it further enacted*, That the powers of the said corporation shall only extend to the promotion and encouragement of domestic manufactures, of all descriptions, and of mechanical skill in every department of industry, by public sales and exhibitions of the products of the arts, by awarding premiums for new

inventions, and for the best specimens of skill, by introducing any new discoveries which may be made in other countries, and by collecting models of inventions made at home or abroad, and communicating the same to the manufacturers and mechanics of New-England, and generally, by the adoption of such measures, as the members of the said corporation may think will at any time tend to the advancement of mechanical and manufacturing skill : *provided, however*, that the Legislature shall have power to visit the said corporation, by committees, and on their report, to annul any by-laws of said corporation which they may disapprove.

SECT. 4. *Be it further enacted*, That all sales of domestic goods, at public auction, which shall be made under the authority of the corporation herein before created, shall be exempted from the tax imposed by law upon sales at auction : *provided, however*, that the said corporation shall hold or authorize only two such public sales in any one year, at such time in each year, as they may decide to be most convenient and advantageous : *and provided, also*, that the said corporation shall be held responsible, that no goods, other than those of the growth and manufacture of the United States, shall be exposed for sale at any of their fairs or auctions ; and if any departure from this restriction should occur, then this section shall become null and void.

Sales exempted from tax.

Provisos.

SECT. 5. *Be it further enacted*, That any person named in this act of incorporation may call the first meeting of the same by giving notice thereof, in two or more of the newspapers printed in Boston, two weeks successively, before the time of holding said meeting.

First meeting.

SECT. 6. *Be it further enacted*, That this act may be amended, revised, and terminated, at the pleasure of the Legislature. [March 3, 1826.]

Legislative control.

An Act to authorize and empower the town of Wareham to make sale of the Ministerial Lands in that town.

Chap 121.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of Wareham be, and it is hereby authorized and empowered to make sale of certain lots of woodland and meadow in said town, originally appropriated for the support of the regular administration of gospel ordinances therein; and to be exclusively devoted to that purpose.

Town authorized to sell lands.

SECT. 2. *Be it further enacted*, That at the annual meeting of the inhabitants of said town, in the month of March next, and annually thereafter, at their meeting in March or April, there shall be elected three or more persons, who shall be the trustees of the fund to be raised, by the sale aforesaid ; and the said trustees shall invest the proceeds of the sale aforesaid in some productive fund, and shall annually appropriate the income thereof, according to the original intention of said town, when the lands and meadows aforesaid were laid out and appropriated ; and they shall give bond to said town in such sum as may be approved by it, for the faithful performance of their duties. [March 3, 1826.]

Trustees of fund to be elected.

Chap 122. An ACT to establish a corporation by the name of the Norfolk and Middlesex Turnpike Corporation.

Persons incor-
porated.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathaniel Johnson, Daniel Leland, Aaron Whiting, Amra-fel Smith and Noah King, together with such persons as have associated, or may hereafter associate with them, and their suc-cessors and assigns, shall be a corporation, by the name of the Norfolk and Middlesex Turnpike Corporation, for the purpose of making a turnpike road from near Ichabod Hawes' tavern, in Holliston, thence not far south of the factory, in said Holliston, now or lately known by the name of Fairbanks' factory, thence north of a burying ground in Sherburne, thence a little north of the dwelling-house of John Goulding, thence to Charles river, at or near a bridge, called Farn bridge, thence near the dwelling-house of William Munroe, in Dover, thence not far north of Dover meeting-house, thence to the bridge over Charles river, near the iron works of John Welles and others, thence a little north of High rock, in Needham, thence not far north of the dwelling-house of Zachariah Cushman, thence to the south side of Bald hill, in Newton, thence a little north of an old saw-mill, in Brookline, thence to terminate at a town road near the north-west corner of Samuel G. Perkins' garden, in Brookline; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto, [March 3, 1826.]

Powers and du-
ties.

1804 ch. 125.

Chap 124. An ACT to change the name of the Boston and Braintree Copper and Brass Manufac-tory.

1824 ch. 61.

Name changed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the corporation now known by the name of the Boston and Braintree Copper and Brass Manufactory shall be allowed here-after to take the name of the Boston Copper Company. [March 3, 1826.]

Chap 125. An ACT to incorporate the Roxbury Insurance Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Repre-sentatives, in General Court assembled, and by the authority of the same,* That Nathaniel Dorr, John Lemist, Benjamin F. Copeland, Jonathan Dorr, Enoch Bartlett, Charles Hickling, John Bartlett, David Dudley, Jonathan Hunewell, Benjamin Weld and Thomas Simmons, with their associates, successors and assigns, be, and they hereby are incorporated into a body politic, by the name of the Roxbury Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one

Powers and du-
ties.

1817 ch. 120.

thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance 1819 ch. 141.
companies in this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, to final judgment and execution; and may have a common seal, and alter the same at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, said real estate shall not exceed the value of Real estate.
twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due the company.

SECT. 2. *Be it further enacted*, That the capital stock of Capital stock.
said company, exclusive of premium notes, and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money, by each subscriber, on the How paid.
amount of his subscription, within thirty days after notice given by the president and directors, chosen by the stockholders, in two newspapers, printed in the counties of Suffolk or Norfolk, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, and to be paid in such sum or sums, at such time or times, and under such penalties, as the president and directors shall, in their discretion, direct and appoint.

SECT. 3. *Be it further enacted*, That the stock, property, Number of di-
affairs and concerns of said company, shall be managed and con-rectors.
ducted by twelve directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the first Monday in January, in each year, and at such time and place in said Roxbury, as a majority of said directors, for the time being, shall appoint, of which election notice shall be given, in some newspapers printed in the county of Suffolk or Norfolk, ten days at least previous to said meeting; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock: *provided*, no stockholder shall be allowed more than ten votes, and that absent stockholders may vote by proxy, under such regulations as the company shall prescribe; and if, through any accident, the directors should not be chosen on the first Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein after mentioned; and it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place, in said Roxbury, as they shall direct, for the

Right to vote.

Secretary to call meeting of stockholders on application.

purposes mentioned in such application, by giving notice thereof, as herein required for the election of directors.

Election of president, and filling of vacancies.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be, after every election, and choose, out of their number, one person, to be president, who shall be sworn, or affirmed, to the faithful discharge of the duties of his office, and preside for one year; and in case of death, resignation, or inability to serve, of the president or any directors, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, at a meeting to be notified and held in the same manner as herein before directed, respecting annual elections of directors.

Board of directors.

SECT. 5. *Be it further enacted*, That the president and six of the directors, or seven of them in his absence, shall be a board competent to the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; also shall have power to appoint a secretary, and so many clerks and servants, with such salaries and allowances to them, and to the president, as to the board may seem fit: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

By-laws.

Proviso.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more persons named in this act, are hereby empowered to call the first meeting of said company, by advertising the same in some newspaper, printed in the county of Suffolk or Norfolk, two weeks successively, for the purpose of electing their first board of directors, who shall remain in office until the first Monday in January, in the year of our Lord one thousand eight hundred and twenty-seven, and until others are elected in their stead: *provided, however*, that this charter shall be void, unless put in operation within one year after passing this act: *and provided, also*, that said company shall not take any risk, or subscribe any policy, until one moiety of the capital stock of said company shall actually have been paid in.

Condition of this charter.

Limitation of risks.

SECT. 7. *Be it further enacted*, That said company shall never take, on any one risk, at any one time, including the sum insured in any other way, a sum exceeding ten per centum of the capital stock of said company, actually paid in, agreeably to the provisions of this act.

Location.

SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the town of Roxbury.

Liability to be taxed.

SECT. 9. *Be it further enacted*, That the said insurance company shall be liable to be taxed, by any general law, providing for the taxation of all similar corporations. [March 3, 1826.]

An Act in addition to an Act entitled "An Act to incorporate the President, Directors and Company of the Housatonic Bank."

Chap 126.

BE it enacted by the Senate and House of Representatives, 1824 ch. 145.

in General Court assembled, and by the authority of the same, That a further time be granted to said corporation, for paying in their capital stock, and that the same may be paid in at such time or times as said corporation shall direct: *provided,* that fifty thousand dollars thereof be paid into said bank in specie, and the bank be put into operation according to the original charter, on or before the first day of July next, and the remainder within three months thereafter. [*March 3, 1826.*] Add. act, 1830 ch. 58.

Time for paying in capital stock extended.

An Act to incorporate the Trustees of the Gloucester Ministerial Fund Society.

Chap 127.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Zachariah Stevens, Louison Nash, Daniel W. Rogers, Samuel Kimball, Winthrop Sargent, and David Worcester, be, and are hereby incorporated into a body politic, by the name of the Trustees of the Ministerial Fund in the First Parish in Gloucester; and they and their successors shall be and continue a body politic and corporate, by that name forever; and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

Persons incorporated.

Powers.

SECT. 2. *Be it further enacted,* That the said trustees, and their successors shall annually elect a president, and a clerk to record the doings and transactions of the trustees, at their meetings, and a treasurer to receive and apply the monies hereafter mentioned, as hereafter directed, and any other needful officers, for the managing their business.

Election of officers.

SECT. 3. *Be it further enacted,* That the number of said trustees shall never be more than seven, nor less than five, one of whom shall be a minister of the said first parish; and any four of said trustees shall be a quorum for transacting business; and they shall fill vacancies which may happen by death, resignation, or otherwise; and they shall have power to remove any trustee who may become unfit, from age, infirmity, misconduct, or any other cause, of discharging his duty, and to fill the vacancy so made; and the said trustees shall annually hold a meeting in March or April, and as much oftener as may be necessary to transact their business; which meetings, after the first, shall be called as the trustees may direct.

Number of trustees, and quorum for transacting business.

SECT. 4. *Be it further enacted,* That any justice of the peace in the county of Essex be, and he hereby is authorized to fix the place and time for the first meeting, and to notify the trustees thereof.

First meeting.

SECT. 5. *Be it further enacted,* That the said trustees be, and they hereby are authorized to receive all donations, legacies, and bequests, to the amount of thirty thousand dollars, to the fund aforesaid; and they shall have power to sell and convey all such

Amount of fund.

lands as they shall become seized of by bequest, mortgage, or by levying executions, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, subscribed and acknowledged by their treasurer, by direction of said trustees, and having their seal thereto affixed, shall be good and effectual in law, to pass and convey the fee simple to the purchaser, to all intents and purposes whatever.

Money to be put
at interest.

SECT. 6. *Be it further enacted*, That all monies which said trustees shall receive, pursuant to this act, shall be promptly put at interest, and secured by mortgage of real estate, to the full value thereof, or by sufficient sureties with the principal ; or invested in public funded securities, or bank stock, as, in the opinion of the trustees, will be most for the benefit of all concerned.

Application of
income.

SECT. 7. *Be it further enacted*, That the trustees shall apply the income of the fund aforesaid, to the support of the congregational minister now settled in said parish, or who may hereafter be settled in said parish, in conformity to the following provisions,* viz. until the interest arising from the aforesaid stock, shall amount to two hundred dollars, annually, the whole amount of said interest shall be added to the principal of the stock aforesaid ; and after said income shall amount to two hundred dollars, annually, one moiety thereof shall be paid towards the minister's salary, as aforesaid, and the other moiety shall be added to the principal ; and the trustees shall continue thus to apply the said income, until it shall amount to the sum of twelve hundred dollars, annually, six dollars being held equal to one hundred and ninety-six pounds of flour ; and when said income shall amount to twelve hundred dollars, annually, the whole amount thereof shall be paid to said minister as his salary : and it shall continue to be so applied, until said income shall amount to the annual sum of two thousand dollars, when the surplus shall be appropriated to such charitable purposes, as the trustees may think proper.

[*See St. 1823
ch. 140.]

Treasurer to
give bond.

SECT. 8. *Be it further enacted*, That the treasurer shall give bond, with sufficient surety or sureties, in the penal sum of two thousand dollars, at least, which penal sum may be increased at the discretion of the trustees, for the faithful discharge of his duty, and to be at all times responsible for the faithful application and appropriation of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind, in his office.

Compensation
of officers.

SECT. 9. *Be it further enacted*, That the trustees, for the services they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid ; that the treasurer shall receive a compensation for his services, not exceeding two and a half per centum of the income of the fund, annually, at the discretion of the trustees ; and that the clerk shall receive, for his services, a compensation, at the discretion of said trustees, but not exceeding the sum of ten dollars, annually.

Trustees' statement to parish.

SECT. 10. *Be it further enacted*, That the trustees shall ex-

hibit to the parish, at their annual meeting, a regular and fair statement of their doings.

SECT. 11. *Be it further enacted*, That if, at any time, the aforesaid parish shall, for the term of three years, neglect to have a settled minister, then the aforesaid fund shall be immediately transferred, as a donation, to some charitable institution, to be selected by the trustees. Transfer of fund.

SECT. 12. *Be it further enacted*, That the said trustees, and each of them, shall be responsible to the parish for their personal negligence or misconduct, and be liable to a suit for any loss or damage arising thereby, and the debt, or damage, recovered in such suit to be for the use of the fund aforesaid; and any trustee, or trustees, so found guilty of misconduct, shall be incapacitated, forever, from being one of said trustees. And when, from this or any other cause, the number of the trustees shall be reduced to a less number than four, a number sufficient to constitute a quorum as aforesaid, shall be chosen by said first parish. [March 3, 1826.] Add. act, 1828 ch. 140. Liability of trustees.

An Act in addition to the Act relative to the boundary lines of the city of Boston, and the town of Brookline.

Chap 128.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land annexed to the city of Boston by the act to which this is in addition, passed on the twenty-second day of February, in the year of our Lord one thousand eight hundred and twenty-five, is hereby annexed to, and made a part of ward No. 6, in said city, and shall so remain, until the divisions of the wards of said city shall be altered by the city council or otherwise according to law. [March 3, 1826.]

1824 ch. 90.

Land annexed to ward No. 6.

An Act in addition to an Act, entitled "An Act to prevent the destruction of Oysters and other shell fish in this Commonwealth."

Chap 129.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the inhabitants of the town of Westport, in the county of Bristol, from time to time, at their annual meeting in March or April, to determine and order, by whom, and in what places, and in what quantities, and on what condition, oysters may be taken in Acoxet river, within the town aforesaid, and shall cause a copy of such order, attested by the town clerk of said town, to be posted up in some public place or places in said town, as the inhabitants, at their meeting aforesaid, shall order; and any person who shall violate such regulations, upon conviction thereof, shall forfeit and pay a sum not less than five nor more than ten dollars.

1795 ch. 71.

Inhabitants may determine the manner of taking oysters.

Penalties.

SECT. 2. *Be it further enacted*, That all forfeitures which shall be incurred by virtue of this act, and shall be sued for, shall be sued in an action of debt, in the name of the treasurer of said town of Westport, before any justice of the peace (not interested) in said county of Bristol, and to the use of said town.

Manner of prosecuting.

SECT. 3. *Be it further enacted*, That the Legislature may at any time hereafter, amend or repeal this act. [March 3, 1826.] Legislative control.

Chap 130.

AN ACT to incorporate the First Baptist Society in the town of Southwick.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Rowland Laffin, Wait Easton, Ashbel Easton, Jun., Cyrus Bill, Lewis D. Fowler, David Kent, Noble Campbell, Josiah Kent, Jun., Abijah Byington, Eli Campbell, David Loronsbury, Owen Campbell, Justus Kent, Elisha Parker, Beebee Smith, Abner Johnson, Warren Byington, Lemuel Easton, Josiah S. Knowles, Joel Moor, Erastus Brewer, Shubael Easton, Forest Barker, Almon H. Baker, Rodolphus Gillet, 2d, and William Hosmer, with such as may hereafter associate with them, be, and they hereby are incorporated into a religious society, by the name of the First Baptist Society in Southwick, with all the privileges, powers and immunities to which religious societies are entitled by the constitution and laws of this Commonwealth.

Powers and
privileges.

First meeting.

SECT. 2. *Be it further enacted,* That any justice of the peace for the county of Hampden, be, and he hereby is, authorized to issue his warrant, directed to any member of said society, requiring him to warn the members of the said society to assemble at some suitable time and place in said Southwick; then and there to choose such officers for said society, as they shall see fit, and to transact such other business as may be deemed necessary. [March 3, 1826.]

Chap 131.

AN ACT in addition to an act, entitled, "An Act to incorporate the Salisbury Woollen Manufacturing Company."

1822 ch. 50.

Increase of cap-
ital stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Salisbury Woollen Manufacturing Company may, at any time hereafter, increase their capital stock to a sum not exceeding five hundred thousand dollars; and that they may be lawfully seized and possessed of such real and personal estate, not exceeding that sum, as may be necessary or convenient for carrying on the several manufactures, which, by virtue of this act, and of that to which this is in addition, they may be authorized to carry on: *provided, however,* that the real estate of said corporation shall not, at any time, exceed the sum of two hundred and fifty thousand dollars.

Proviso.

Further powers
granted.

SECT. 2. *Be it further enacted,* That the said company, in addition to their present powers, may, and they are hereby authorized to manufacture machinery, and also linen, cotton, and iron, into such fabrics, and after such manner as they shall deem expedient.

Name altered.

SECT. 3. *Be it further enacted,* That the said corporation shall hereafter be known and called by the name of the "Salisbury Manufacturing Company," and by that name shall be liable to all the duties and obligations, and entitled to all the rights and privileges, they are now liable or entitled to. [March 3, 1826.]

An ACT to establish the Hampden and Berkshire Turnpike Corporation.

Chap 132.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elisha Pinny, Jos. A. Root, Oliver Watson, Luther Laflin, Avery Tracy, Lemuel Boise, Waterman Carter, James Watson, John F. Collister, William Phelps, Reuben Bradley, Charles Sprague, Seth Root, Liberty Lyman, Isaac Lloyd, Orrin Sage, Timothy L. Hatch, Lewis B. Barnes, and Eli Hall, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Hampden and Berkshire Turnpike Corporation, for the purpose of making a turnpike road from the turnpike near the house of John A. Mallory, Jr., in Russell, in the best direction to the village in Blandford, thence in the best course near the house of John Collister, to meet the Becket turnpike, near the house of Kindall Baird, in Becket, and shall have all the powers and privileges, and be subject to all the duties, requirements and penalties prescribed and contained in an act entitled "an act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto, except so far as the same are altered by the provisions of this act.

Persons incorporated.

Powers and duties.

1304 ch. 125.

SECT. 2. *Be it further enacted,* That said road shall be laid out, not less than four rods in width, and the travelled path of the same shall not be less than eighteen feet.

Width of road.

SECT. 3. *Be it further enacted,* That the court of general sessions of the peace within the county of Hampden, are hereby authorized and empowered upon the application of said corporation, to appoint a committee of five disinterested freeholders, either in said county of Hampden, or Berkshire, or in both, who shall be invested with all the authority contained in an "act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto. [March 3, 1826.] Add. act, 1832 ch. 40.

Committee to be appointed.

An ACT to annex a certain Tract of Land to the town of Grafton.

Chap 133.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Tarrent Merriam and his family, together with a certain tract of land, situated in the town of Shrewsbury, containing about one hundred and eighty-six acres, more or less, chiefly owned by said Merriam, and bounded as follows, to wit: on three sides by the town of Grafton, and on the fourth side by a line beginning at a point in the boundary line of said Grafton, where the corners of one Jasper Rand's land and of the said Merriam's land meet, and on the east side of one Elijah Brook's land, and thence running east ten degrees south, thirty-seven rods, to the road leading from said Grafton to said Shrewsbury, thence easterly on said road until it comes to said Merriam's land on the north side, thence east twenty-seven degrees north, one hundred and twenty-five rods, thence east eight degrees north, to a corner of the north boundary line of said Grafton, be

Description of land annexed.

and the same are hereby set off from said Shrewsbury, and annexed to said Grafton, and they shall forever, hereafter, be subject to all the duties, and entitled to all the privileges of inhabitants of said Grafton : *provided, however*, that said Merriam, and the other owners of said tract of land, shall be holden to pay all taxes that have been lawfully assessed upon them, by said Shrewsbury, previous to the passing of this act. [*March 3, 1826.*]

Chap 134.

An Act to incorporate the Bridgewater Trinitarian Congregational Church.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jason Dyer, Ezra Fobes, Oliver Keith, Rufus Wood, Zephaniah Caswell, John Conant, Seth Conant, Oliver Conant, Theophilus Wentworth, Levi Leach, Oliver Allen, Jr., Simeon Wilbur, Morton Eddy, Ebenezer Gay, Cornelius Holmes, Jr., and their associates, be, and hereby are incorporated, and made a body politic, by the name of the Trinitarian Congregational Church in Bridgewater, and shall have power to make and use a common seal, and the same to break and alter at their pleasure, and to make such by-laws for the orderly direction of the business of said body politic, as shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That said body politic may hold property, real or personal, or both, to the amount of ten thousand dollars, for the purpose of supporting, with the income thereof, the preaching of the gospel, and for other benevolent and religious purposes ; and the property which may be hereafter held by said body politic, subject to all the conditions, and under all the trusts that may be annexed to such bequests and gifts by the donors thereof.

SECT. 3. *Be it further enacted*, That said body politic shall at their first meeting elect a clerk, a treasurer, and a committee of three, with such powers as shall be prescribed by the by-laws of said body politic, and that the first meeting thereof may be called by Cornelius Holmes, Jun., above named, by posting a notification thereof eight days before the time appointed for such meeting, in the meeting-house of the Trinitarian Society in Bridgewater. [*March 3, 1826.*]

Chap 135.

An Act to incorporate the Proprietors of the Hampden Brewery.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William F. Wolcott, Elisha Curtis, John B. Kirkham, Stephen Warren, Jun., Edmund Allen, Jun., Ithamar Goodman, and Samuel H. Stebbins, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Proprietors of the Hampden Brewery, for the purpose of manufacturing and brewing ale, beer, and porter, at Springfield in the county of Hampden ; and for this purpose shall have all the powers and privileges, and be subject to all

the duties and requirements contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and in the several acts supplementary thereto.

1803 ch. 55.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [March 3, 1826.]

Real and personal estate.

An Act to discontinue a part of the Turnpike Road of the Hartford and Dedham Turnpike Corporation.

Chap 136.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, so much of the said turnpike road, as lies between Pitts head, near the court-house, and Sabin Bakers’ dwelling-house, in Dedham, in the county of Norfolk, be discontinued, and that said corporation be exonerated from all liability to support the same, saving nevertheless to the public all improvements which have been made in the same by said corporation, and leaving all rights to the road and liabilities to support the same, as they existed at the time of the establishment of said turnpike corporation. [March 3, 1826.] Add. act, 1836 ch. 209.

1803 ch. 146.
(v. 3. p. 410.)
1808 ch. 54.
1812 ch. 91.

Road discontinued.

An Act to establish the Wilkinsonville Turnpike Corporation.

Chap 137.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Wilkison, Nahum Harrington, Orra Goodall, Caleb Burbank and John Morse, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Wilkinsonville Turnpike Corporation, for the purpose of making a turnpike road from the bend in the road near Benjamin Fay’s house, in Westborough, thence in the best direction to the farm school-house in Grafton, thence to the dwelling-house of the late Abner Temple, in said Grafton, thence to the Wilkinsonville factory in Sutton, thence to or near Asa Woodbury’s blacksmith’s shop in said Sutton, and shall have the right to erect one gate, and receive such rates of toll as are or may be provided by law, for one whole turnpike gate, and shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties, prescribed and contained in an act entitled “an act defining the general powers and duties of turnpike corporations,” and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1804 ch. 125.

SECT. 2. *Be it further enacted*, That if the corporation aforesaid shall locate their toll gate on a town road leading from the late Abner Temple’s, to Ephraim Goulding’s in said Graf-

Provision in favor of inhabitants of Grafton.

ton, the inhabitants of the said town of Grafton shall at all times have the privilege of passing said gate free from toll. [*March 3, 1826.*]

Chap 138.

1798 ch. 85.
(v. 2. p. 295.)
1800 ch. 30, 34,
48. (v. 2. p. 404,
405, 414.)
1802 ch. 66.
(v. 3. p. 77.)
1803 ch. 23.
(v. 3. p. 217.)
1810 ch. 39.
1815 ch. 20.

An Act in addition to the several Acts establishing the Fifth Massachusetts Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the toll gate of the Fifth Massachusetts Turnpike Corporation, situated in Fitchburg, in the county of Worcester, be, and the same hereby is authorized and established where the same is now erected. And the said corporation, from and after the passing of this act, may demand and receive tolls at said gate, and collect penalties for forcing said gate, as the said corporation may do at their other gates on said road. [*March 3, 1826.*]

Chap 139.

1811 ch. 82, 86.

An Act in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Merchants' Bank, in Salem."

Increase of capital stock authorized.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Merchants' Bank, in Salem, be, and they hereby are authorized and empowered to increase their present capital stock, by an addition of one hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, and shall be so disposed of, as a majority of stockholders, at any legal meeting, may direct and determine: *provided, however,* that the whole amount thereof shall be paid in, on or before the first Monday of June next ensuing.

Proviso.

Subject to same tax &c. as present capital is.

SECT. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the capital stock of said corporation is now liable to, by virtue of the act to which this is in addition. [*March 3, 1826.*] Add. act, 1830 ch. 58.

Chap 140.

1825 ch. 2.

An Act in addition to an Act, entitled "An Act to preserve the Forests and Wood Lands from Fire, in the town of Sandwich, in the county of Barnstable."

Wood-cutters shall not keep fires in their cabins in the woods.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of April, to the first day of October, in each year, it shall not be lawful for any person or persons to place, keep or maintain any fires in the huts or cabins of the wood-cutters in the woods of said town of Sandwich, under the penalty provided in the fifth section of the act to which this is in addition.

Recovery of penalties.

SECT. 2. *Be it further enacted,* That the selectmen of said town shall have the same powers, and be subject to the same obligations, to enforce the execution of this law, and the penalty for the violation of the same shall be recovered in the same manner as is provided in the act to which this is in addition. [*March 3, 1826.*]

An ACT to incorporate the Middlesex Mutual Fire Insurance Company.

Chap 141.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Richardson, Elias Plimney, John Farwell,

Persons incorporated.

Josiah Davis, Joseph Butterfield, Daniel Shattuck, Robert Brinley, Samuel Burr, Peter Wellington, Calvin Thomas, Lemuel Shattuck, Peter O. Wellington, Abel Moore, Daniel Taylor, William Adams, Jun., Josiah Bartlett, and all other persons, who may hereafter become members of said company in the manner herein prescribed, be, and they hereby are incorporated, and made a body politic, by the name of the Middlesex Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling-houses, stores, shops, and other buildings, household furniture, and merchandise,* against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this, or of any of the United States, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record, or other place whatever; may have and use a common seal, and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for debts due to said company; may make, establish and put in execution such by-laws, ordinances and resolutions as may seem necessary or convenient for their regulation and government, and for the management of their affairs: *provided*, such by-laws, ordinances and resolutions be not repugnant to the laws or constitution of the United States, or of this Commonwealth, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this act, for twenty-eight years from and after the passing of this act.

[*All kinds of personal property, 1827 ch. 135.]

Powers.

Real estate.

By-laws.

Limitation of this act.

SECT. 2. *Be it further enacted,* That all and every person and persons, who shall, at any time, become interested in said company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, as herein after provided, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

Membership.

SECT. 3. *Be it further enacted,* That there shall be a meeting of said company, at Concord, in the county of Middlesex aforesaid, on the Tuesday next following the second Monday of March, annually, or on such other day as said company may hereafter determine, at which meeting shall be chosen, by a major vote of the members present, a board of directors, consisting of not more than nine, nor less than five members, who shall continue in office until others shall have been chosen, and accepted the trust in their stead; all vacancies happening in said board

Annual meeting.

Number of directors.

may be filled by the remaining members until the next annual meeting ; and a majority of the whole number chosen shall constitute a quorum for the transaction of business. Special meetings of said company may be called, by order of the directors, or in such other manner as the by-laws thereof may have prescribed.

Powers and duties of the directors.

SECT. 4. *Be it further enacted*, That the board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company ; they shall have power, from time to time, to appoint a secretary, treasurer, and such other officers, agents and assistants, as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure. They shall determine the rates of insurance, the sum to be insured on any building, not exceeding three fourths of its value, and the sum to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationary and other things needful for the office of said company, and for carrying on the affairs thereof ; and may draw upon the treasurer for the payment of all losses incurred in transacting the concerns of said company. They shall elect one of their own number to act as president, and may hold their meetings as often as necessary for transacting the business of the company, and shall keep a record of their proceedings ; and any director disagreeing with a majority of the board, at any meeting, may enter his dissent, with his reasons thereof, on record.

Election of president.

Deposit of promissory note.

SECT. 5. *Be it further enacted*, That every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be determined by the directors, a part, not exceeding five per cent. of which said note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposit note shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses, or other expenses ; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

Company to have a lien on property insured.

SECT. 6. *Be it further enacted*, That every member of said company shall be, and hereby is bound and obliged to pay his proportion of all losses and expenses happening or accruing in and to said company ; and all buildings insured by and with said company, together with the right, title and interest of the assured to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance of his, her, or their policies.

SECT. 7. *Be it further enacted*, That in case of any loss or

damage by fire, happening to any member, upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against the company for said loss or damage, at the first court in said county of Middlesex, competent to try the same; and if upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon, from the time said loss and damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said company shall recover their costs: *provided, however*, that execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

In case of loss
notice to be
given.

Execution
stayed.

SECT. 8. *Be it further enacted*, That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company, for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective portions of such loss, and publish the same, as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member, shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer, within thirty days next after the publication of said notice; and if any member shall for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him, her, or them, as his, her, or their proportion of any loss, as aforesaid, in such case the directors may sue for and recover the whole amount of his, her, or their deposit note or notes, with costs of suit; and the money thus collected, shall remain in the treasury of said company, subject to the payment of such losses and expenses as have, or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

Apportionment
and collection
of assessments.

Directors may
sue.

SECT. 9. *Be it further enacted*, That if it shall ever so happen, that the whole amount of deposit notes should be insufficient to pay the loss occasioned by any one fire, in such case, the sufferers insured by said company, shall receive, toward making good their respective losses, a proportional dividend of the whole amount of said notes, according to the sums by them respectively insured; and, in addition thereto, a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured,

Sufferers to re-
ceive propor-
tional dividend
if premium
notes are insuf-
ficient to pay
loss.

and the said members shall never be required to pay for any loss, occasioned by fire, at any time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss, after his said note shall have been paid in and expended ; but any member, upon payment of the whole of his deposit note, and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

Policy of insurance.

SECT. 10. *Be it further enacted*, That the said company may make insurance for any term not exceeding ten years, and any policy of insurance, issued by said company, signed by the president, and countersigned by the secretary, shall be deemed valid and binding on said company.

Directors shall pay losses or repair.

SECT. 11. *Be it further enacted*, That the directors shall settle and pay all losses, within three months after they shall have been notified, as aforesaid, unless they shall judge it proper, within that time, to rebuild the house, or houses, destroyed, or repair the damages sustained, which they are hereby empowered to do, in convenient time : *provided*, they do not lay out, and expend, in such building, or repairs, more than the sum insured on the premises.

Proviso.

Policy to be void on alienation of estate insured.

SECT. 12. *Be it further enacted*, That when any house, or other building, shall be alienated, by sale, or otherwise, the policy shall, thereupon, be void, and be surrendered to the directors of said company, to be cancelled ; and, upon such surrender, the assured shall be entitled to receive his, her, or their deposit notes, upon payment of his, her, or their proportion of all losses and expenses that have accrued, prior to such surrender : *provided however*, that the grantee or alienee, having the policy assigned to him, may have the same ratified and confirmed to him, her, or them, for his, her, or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing the same, shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original insured was entitled and subjected under this act.

Proviso.

Alterations increasing risk to vacate policy.

SECT. 13. *Be it further enacted*, That if any alteration should be made in any house or building, by the proprietor thereof, after insurance has been made thereon, with said company, whereby it may be exposed to greater risk or hazard, from fire, than it was at the time it was insured, then, in every such case, the insurance made upon such house, or building, shall be void, unless an additional premium and deposit, after such alteration, be settled with, and paid to, the directors, but no alterations or repairs, in buildings, not increasing such risk or hazard, shall, in any wise, affect the insurance previously made thereon.

SECT. 14. *Be it further enacted*, That in case any building or buildings, situated on leased lands, and insured by said company, be destroyed by fire, and the owner or owners thereof shall prefer to receive the amount of such loss in money, in such case the directors may retain the amount of the premium note, given for the insurance thereof, until the time for which insurance was made, shall have expired, and at the expiration thereof, the assured shall have a right to demand and receive such part of said retained sum, or sums, as has not been expended in losses and assessments.

Destruction of buildings situated on leased lands.

SECT. 15. *Be it further enacted*, That if insurance on any house, or building, shall be and subsist in said company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said company, shall be deemed and become void, unless such double insurance subsist, with the consent of the directors, signified by endorsement, on the back of the policy, signed by the president and secretary.

Double insurance.

SECT. 16. *Be it further enacted*, That the said Daniel Richardson, Elias Phinney, John Farwell, Joseph Butterfield, Josiah Davis, and Daniel Shattuck, or either two of them, may call the first meeting of the members of said company, at any suitable time and place, by advertising the same in the newspaper printed at Concord, and also in the Independent Chronicle and Boston Patriot, and in the Columbian Centinel, printed in Boston, giving, at least, ten days notice of the time, place and design of said meeting, for the purpose of choosing the first board of directors, of making and establishing by-laws, and of transacting any business, necessary and proper to carry into effect the provisions and intentions of this act : *provided however*, that no policy shall be issued by said company, until application shall be made for insurance on two hundred thousand dollars, at least.

First meeting.

Proviso.

SECT. 17. *Be it further enacted*, That the said Middlesex Mutual Fire Insurance Company shall be liable to be taxed by any general law, providing for the taxation of all similar corporations. [March 3, 1826.] Add. acts, 1827 ch. 136 : 1833 ch. 72.

Liability to be taxed.

An Act to authorize the United States Insurance Company to reduce their Capital.

Chap 142.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the United States Insurance Company be, and they hereby are authorized, to reduce their capital stock to the sum of two hundred thousand dollars, to be vested and restricted in the same way as the said company were authorized and required to do by their act of incorporation, passed the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and twenty-five : *provided*, that no contracts whatever, heretofore made by said corporation, shall be in any way affected or impaired by said reduction. [March 3, 1826.]

1824 ch. 132.
1825 ch. 10.

Capital reduced.

Chap 144. An ACT in addition to an Act entitled an "Act to incorporate the Blackstone Canal Company."

1822 ch. 27.
1823 ch. 77.

Power of commissioners.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the commissioners, appointed and to be appointed, under the eighth section of the act to which this is in addition, be, and they hereby are, authorized to appraise all damages accruing to any person or persons, corporation or corporations, by reason of flowing his, her or their land by said Canal Company, for their use ; also to appraise all damages accruing to any person or persons, corporation or corporations, by reason of the detention or diversion of any water from said person or persons, corporation or corporations, who may have legal right to the same.

To estimate damages.

SECT. 2. *Be it further enacted,* That said commissioners, in appraising the damages aforesaid, shall be subject to the duties and regulations in said eighth section specified, in relation to the appraisals therein mentioned : *provided, nevertheless,* that if any person or persons, corporation or corporations, sustaining damages as aforesaid, shall not file his, her or their claim for the same, with some one of the commissioners aforesaid, or with the clerk of the court of sessions for the county of Worcester, within one year from and after the flowing, detention or diversion as aforesaid, they shall forever after be barred from recovering any thing for their damages aforesaid. [March 4, 1826.] Add. act, 1826 ch. 74.

Chap 147.

1824 ch. 115.

Persons incorporated.

An ACT establishing a Free Bridge in the City of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the same,* That Nathaniel Whittimore, Noah Brooks, Cyrus Alger, William Wright, Adam Bent, David Henshaw, Jonathan Hunewell, Francis J. Oliver, Samuel K. Williams, and Hall J. Howe, and their associates, successors and assigns, be, and they hereby are, constituted a corporation, by the name of the Boston Free Bridge Corporation, with all the powers and privileges, and subject to the restrictions usually incident to such corporations in this Commonwealth.

Authorized to build a free bridge.

SECT. 2. *Be it further enacted,* That said corporation be, and they hereby are, authorized and empowered to build and construct, or cause to be built and constructed, a free bridge, with one or more suitable and sufficient draws, across the water, and over the channel, in or near a direction in a straight line from or near Sea street, in Boston, to the newly made land at South Boston, and nearly in the direction of the Dorchester turnpike, and to erect a wharf or pier on each side of said bridge, near said draws, for the accommodation of vessels passing through said bridge ; such bridge and wharves to be built in such manner as the city government of Boston shall approve : *provided, however,* that said corporation shall be holden to make compensation to any person, or corporation, whose land shall be appropriated to the use of said bridge.

Proviso.

Toll not to be taken.

SECT. 3. *Be it further enacted,* That no toll or duty shall ever be exacted or paid, for any travel over said bridge, or pass-

ing the draws of the same; and said corporation shall always be held liable to keep said bridge and draws in good repair, and to raise the draw of said bridge, and afford all necessary and proper accommodation to vessels that have occasion to pass the same, by night or by day, and shall keep said bridge sufficiently lighted; and if any vessel is unreasonably delayed or hindered in passing said draw, by the negligence of said corporation, or their agents, in discharging the duties enjoined on them by this act, the owners or commanders of such vessels shall recover reasonable damage therefor, of said corporation, in an action on the case, before any court proper to try the same; and if the said corporation shall not, within three years from the passing of this act, locate, construct, build and complete said bridge, agreeably to the provisions of this act, then this act shall be null and void: *provided*, that whenever the city government of Boston shall assume the care and obligations of keeping said bridge in repair, lighting the same, and providing facilities for raising said draw or draws, as aforesaid, then the obligations hereby imposed on said corporation to that effect, shall be annulled, and the same shall devolve on the said city government; in which case, the damages mentioned in this section, shall be sued for before any court proper to try the same, in either of the counties of Middlesex or Essex. But unless the city government shall assume the care and obligations aforesaid, the said corporation, before commencing the building of said bridge, shall furnish adequate security, to the satisfaction of the said city government, for the due performance of the obligations and duties imposed on said corporation by the provisions of this act.

Liable to action for unreasonable detention of vessels.

City of Boston may assume the maintenance of said bridge, and be liable for damages.

SECT. 4. *Be it further enacted*, That any person or corporation, whose lands may be taken for the purpose, and in the manner, mentioned in the second section of this act, may apply, if within one year from the time any such damage may have happened, to the court of common pleas, in the county of Suffolk, for a committee to be appointed, to estimate the damage; and upon such application, the court, after thirty days notice to said corporation, to appear and shew cause, why such committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three or five disinterested freeholders within the county, at the expense of said corporation, which committee, being first duly sworn before some justice of the peace, to be nominated by said court, and giving due notice to both parties to appear, (if they see fit) for a hearing before them, shall proceed to the duties of their appointment; and they shall first inquire, whether any damage has been sustained from the causes aforesaid, and if any, shall estimate the same, and shall make return of their doings as soon as may be, into said court, and upon acceptance of said report, judgment may be given thereon, with reasonable costs to the party prevailing. *Provided, however*, that either party, after the return of said report, may claim a trial by jury, and the court thereupon shall stay judgment on said report, and a trial shall be had by jury at the bar of said court, and if the

Committee may be appointed to estimate damages.

Either party may have a trial by jury.

party applying for a jury shall not obtain (in case it be the original applicant) an increase of damages, or in case it be the original respondent, a decrease of the damages awarded by the committee, such party shall pay reasonable costs of such trial by jury, otherwise shall recover reasonable costs, and upon any judgment rendered upon the report of such committee, or the verdict of such jury, the court may issue execution accordingly, and the same, when it shall be against said corporation, unless satisfied and paid within thirty days from the rendition of such judgment, may be served and levied upon the goods or estate of any individual member of said corporation, and an action of debt may be maintained on such judgment; and if upon notice to said corporation, as aforesaid, to shew cause why such committee should not be appointed, said corporation shall appear, and deny the applicant's title to the land taken, or claim a right to do what is complained of, without payment of damages, or for an agreed composition, the court shall first order a trial of the issue at the bar of said court, or if there be an issue in law, shall try it themselves; and, in either case, either party may appeal to the supreme judicial court, as in other cases, and a certificate of the determination of the supreme judicial court on such appeal, in favor of the original applicant, shall be filed in said court of common pleas, before such committee shall be appointed.

Appeal to S. J. Court.

City of Boston may build said bridge.

SECT. 5. *Be it further enacted*, That if the city government of Boston shall, within three months from the passing of this act, determine, by a concurrent vote of both branches of the said city government, to erect said bridge, they shall be at liberty so to do, on the same terms and conditions as said Boston Free Bridge Corporation are otherwise, by the provisions of this act, authorized to erect the same.

Repeal of act, 1824 ch. 115.

SECT. 6. *Be it further enacted*, That an act passed on the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-five, entitled, an act establishing a free bridge in the city of Boston, be, and the same is hereby repealed. [March 4, 1826.] Add. acts, 1830 ch. 121 : 1831 ch. 46.

Chap 148.

An ACT to incorporate the Salem Mill Dam Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Pickering, Benjamin W. Crowninshield, Joseph Ropes, and John W. Treadwell, and their associates, successors and assigns, be, and they hereby are made a body politic and corporate, by the name of The Salem Mill Dam Corporation; and by that name may sue and be sued, plead and be impleaded, to final judgment and execution, and with power to make and use a common seal, and the same to break and alter at pleasure, and also to make by-laws for the regulation of the affairs of the corporation: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and also to purchase and hold real and personal estate, not exceeding seven

Persons incorporated.

Powers and privileges.

Real and personal estate.

hundred thousand dollars, and to do and suffer all other acts and things which bodies corporate may or ought to do and suffer.

SECT. 2. *Be it further enacted,* That the said corporation shall have power to build across the North river, so called, in Salem, any dam or dams, of such dimensions, in such place or places, and in such directions, as they shall deem requisite, having a gateway in the channel of the river, of twenty-six feet wide, with a suitable pier, on each side of the dam, for the passage of vessels, and also gates, sluice-ways, and other things necessary for admitting and retaining the tide, and other waters of said river, at the height of the spring tides, in such manner as the said corporation may judge necessary, in order to obtain a sufficient water power for the use of the said corporation, as herein after mentioned, and that the said North river shall be a full basin. And the said corporation shall further have power, from time to time, to build any dam or dams, of such dimensions, in such places, and in such directions, as they shall deem requisite, from any of the lands or flats, lying on, or near Bridge street, so called, in Salem, aforesaid, to any part or parts of the neck, so called, with gates, sluice-ways, and other things, necessary to discharge and exclude the tide, and other waters; and further shall have power, from time to time, to build any dam or dams, from Winter Island, so called, in Salem, to any part or parts of the neck abovementioned, and to the lands or wharves lying near or adjacent thereto, of such dimensions, in such places, and in such directions, as the said corporation shall deem requisite, and further shall have power to make any canal, or canals, across Bridge street, so called, in Salem aforesaid, and across the neck aforesaid, and other lands in the vicinity of the lands and waters abovementioned; and also to make, within the limits aforesaid, any road or roads, wharves, piers, bridges, causeways, raceways, or other erections, for the convenience of navigation, or for the use of said corporation; and the said corporation may use, sell or lease, in such manner, and upon such terms and conditions, as they shall, from time to time, determine, the whole, or any part of the said water power, or mill privileges, which they may have by means of the waters aforesaid; and no person shall use or dispose of any part of said waters, for any mill or mills, without the consent of the said corporation, or shall interrupt, obstruct or divert the said waters, or in any other way injure the said corporation, in the premises.

[May build dams with gateway.]

[Gateway reduced to twenty-five feet, 1826 ch. 29.]

[Make canals and race-ways.]

SECT. 3. *Be it further enacted,* That any person sustaining any damage by the building and making of said dams, or other erections, may apply, if within two years from the time when any such damage may have happened, to the court of common pleas, holden within and for the county of Essex, for a committee to be appointed to estimate the damage, unless the parties shall agree to settle the same, by arbitration or otherwise; and upon such application, the court, after thirty days notice to said corporation, to appear and shew cause why such

[Committee to be appointed to estimate damages.]

committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three, or five, disinterested freeholders, within the said county, which committee, being first duly sworn, before some justice of the peace, appointed by said court, and giving due notice to both parties, to appear, if they see fit, and be heard before them, shall proceed to the duties of their appointment, and they shall inquire whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same, and where the damage is annual, they shall so declare the same in their report : and they shall also take into consideration, and set off against such damage, any benefits and advantages which may result to the party complainant, in consequence of the said mill dams, and other erections ; and if the said benefits shall be found to exceed, or to equal, the said damages, then the said committee shall make their report, that the complainant take nothing by his complaint ; and they, or the major part of them, shall make return of their doings, as soon as may be, into the said court ; and upon the acceptance of said report, judgment may be rendered, for the prevailing party, with reasonable costs : *provided, nevertheless,* that either party, after the return of said report, may claim a trial by jury ; and the said court shall, thereupon, stay judgment on said report, and, upon such application, shall issue a warrant to summon a jury, pursuant to the provisions of the act entitled “an act for the support and regulation of mills,” and of the several acts in addition thereto ; and the said jury shall inquire into the damages, and estimate the same, if any ; and shall also take into consideration, and set off against such damage, any benefits which may result to the party complainant, in consequence of the said mill dams, and other erections ; and if the said benefits shall be found to exceed, or to equal, the said damages, then the said jury shall return their verdict for the respondents, and judgment shall be rendered for the respondents for costs. And if the party applying for a jury shall not obtain, in case it be the original applicant, an increase of damages, or in case it be the original respondent, a decrease of the damages awarded by the committee, such party shall pay reasonable costs of such trial by jury, otherwise shall recover reasonable costs ; and upon any judgment rendered upon the report of such committee, or the verdict of such jury, the court may issue execution accordingly, and also from year to year, where the damages awarded are annual, on motion of the party entitled thereto, and an action of debt may be maintained on such judgment. And if, upon notice to said corporation, as aforesaid, to shew cause why such committee should not be appointed, said corporation shall appear, and deny the complainant’s title to the land damaged, or shall claim a right to do the acts complained of, without the payment of damages, or for an agreed composition, the said court shall first order a trial of the issue at the bar of said court, or if there is an issue in law, shall try it themselves ; and in either case, either party may appeal to the supreme judicial

Either party
may claim a
trial by jury.

1795 ch. 74.

Appeal to S. J.
Court.

court, as in other cases; and a certificate of the determination of the supreme judicial court, on such appeal, in favor of the original applicant, shall be filed in said court of common pleas, before such committee shall be appointed, and where annual damages are awarded by said committee, or said jury, and judgment had accordingly, each party shall be entitled to apply to said court of common pleas, for an increase or decrease of said damages; and thereupon the same proceedings shall be had as upon the original application.

SECT. 4. *Be it further enacted*, That the capital stock of said corporation shall be divided into five thousand shares, not exceeding one hundred dollars each, certificates of which shall be issued under the seal of said corporation, and be signed by the president, and countersigned by the secretary thereof; and the said shares shall be deemed and taken to be personal estate, and may be transferred in such manner as the said corporation shall determine. Shares.

SECT. 5. *Be it further enacted*, That the friends or guardians of any minors, or other persons, under legal incapacity, may, upon application to the judge of probate of said county, be authorized, by him, to dispose of, or relinquish to said corporation, or to their use, in such manner, and upon such terms and conditions, as the said judge shall, under all the circumstances of the case, think just and reasonable, any right, interest or privilege of said minors, or other persons, in any of the flats or waters aforesaid. Judge of Probate may authorize guardians to dispose of the real estate of their wards.

SECT. 6. *Be it further enacted*, That the said corporation, or its officers, duly authorized by its by-laws, may from time to time, make assessments upon the shares subscribed for, until the whole amount of the said capital stock shall be paid in. And if the proprietor of any share shall neglect or refuse to pay any assessment for the term of thirty days from the time appointed therefor, the share or shares of such proprietor, may be sold by public auction, notice of the time and place of such sale being given by the treasurer of said corporation, in one or more of the public newspapers, printed in Salem, aforesaid, ten days, at least, previous to the time appointed therefor, and the proceeds of the sale shall be applied to the payment of the assessments, due on the share or shares so sold, with interest and incidental charges; and the surplus, if any, shall be paid by said treasurer, to the former owner, or his legal representatives, on demand; and such sale shall give a good and complete title to the purchaser of such share or shares, and he shall receive a new certificate therefor: *provided, nevertheless*, that if, before the actual sale of any such share or shares, the proprietor thereof shall pay the assessment due thereon, with interest, from the time they became due, and all necessary and reasonable charges, the sale shall not proceed. Assessments.

SECT. 7. *Be it further enacted*, That the persons above named, or any two of them, shall call the first meeting of said corporation, by giving at least seven days notice of the time and Treasurer may sell shares of delinquent proprietors. Proviso. First meeting.

place of such meeting, in one or more of the Salem newspapers, and at said meeting there shall be chosen, by a majority of votes, a clerk, or secretary, who shall be duly sworn to record the doings thereof; and any act or acts may be done for the purpose of organizing the said corporation, and arranging its affairs, at which meeting every person shall be entitled to one vote for each share owned by him. And the number, powers and duties of the several officers, agents and servants of said corporation, together with the time and manner of choosing and appointing them, and the number of votes to which the shares of each member of the corporation shall entitle him at future meetings, may be regulated by the by-laws: *provided, however*, that no meeting, as aforesaid, shall be called, before one thousand shares shall be subscribed for: *and provided, also*, that no proprietor shall be entitled to more than twenty votes.

Election of officers. **By-laws.** **Provisos.** **Limitation of act.** **SECT. 8.** *Be it further enacted*, That if said corporation shall not, within the term of five years from the passing of this act, undertake the erection of any or either of said mill dams, then this act shall be void.

SECT. 9. *Be it further enacted*, That if, at any time, the said corporation shall use the water power to be created as aforesaid, for the purpose of carrying on manufactures, the said corporation shall be subject to all the duties and requirements, and be entitled to all the powers and privileges contained in the act entitled "an act defining the general powers and duties of manufacturing corporations": *provided, however*, that the members of said corporation, in their individual capacity, shall in no wise, be liable for any debts of said corporation, for a longer time than one year after they shall have ceased to be members thereof, unless such debts shall, before the expiration of said term of one year, be put in suit against such members. [*March 4, 1826.*] Add. act, 1826 ch. 29.

Chap 149. An Act in further addition to an Act, entitled "An Act to incorporate the Merchants' Insurance Company in Boston."

1816 ch. 66.
1817 ch. 96.
1819 ch. 12.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Merchants' Insurance company in Boston be, and they hereby are authorized to purchase, hold, and convey real estate, as an investment of part of their capital stock, to an amount not exceeding seventy-five thousand dollars, any thing in the act to which this is in addition, to the contrary notwithstanding. [*March 4, 1826.*] Add. acts, 1833 ch. 117: 1836 ch. 31.

Chap 150. An Act to incorporate the President, Directors, and Company of the Bank of Norfolk, in Roxbury.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Henry Gray, H. A. S. Dearborn, Nathaniel Dorr, Enoch Bartlett, Jonathan Dorr, B. F. Copeland, John Lemist, Charles Hickling, David Dudley, John Bartlett, Jonathan Hunnewell, Benjamin Weld, and Thomas Simmons, their associates, successors and assigns, shall be, and hereby are cre-

ated a corporation, by the name of the President, Directors, and Company of the Bank of Norfolk, and shall so continue from the third Monday in March, one thousand eight hundred and twenty-six, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one. And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled, "an act to incorporate the president, directors, and company of the State Bank," excepting so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Privileges and restrictions.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of two hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following: that is to say, one fourth part thereof on or before the first day of May next, one fourth part thereof on or before the first day of August next, one fourth part thereof on or before the first day of November next, and the residue on or before the first day of February next; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of twenty-five thousand dollars, and no more at any one time, with power to bargain, sell, dispose of and convey the same by deed, under the seal of said corporation, and signed by the president and two directors, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *and provided, further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall

Capital stock.

When paid in.

Real estate.

Proviso.

Examination of capital.

be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money of said bank until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Location of
bank.

Number of di-
rectors.

Loans to the
Common-
wealth.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Dudley street, in the easterly part of Roxbury ; and the whole number of directors shall be nine, and a majority of the board shall be inhabitants of said town, and no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, in any other place than at the said bank.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum. *Provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

First meeting.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in the Norfolk Gazette, a newspaper printed in Roxbury, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary : *provided*, the same be not repugnant to the laws and constitution of this Commonwealth, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

Common-
wealth may sub-
scribe to the
capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one hundred thousand dollars, to be added to the capital stock of said corporation, subject to said [*such*] rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature
may appoint
directors.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall

have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond, with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office. Cashier to give bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of May next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall actually have been paid in. Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate, and said corporation shall not, at any place, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note. Corporation liable to pay original amount of altered notes.

SECT. 11. *Be it further enacted*, That the capital stock of said bank, or any part of it, shall not be sold or transferred, during the period of one year from the passing of this act. And in case the same shall not be put in operation within the year aforesaid, it shall be void. Capital stock shall not be sold for one year.

SECT. 12. *Be it further enacted*, That any committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and have free access to all their books and vaults, and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined, by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [*March 4, 1826.*] Add. act, 1830 ch. 58. Committee of the Legislature may examine into the doings of the bank.

An ACT to change the names of the several persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Mark Alcock, of Boston, trader, may take the name of Mark Allcut; that Jonathan Gardner Brewer, a minor, son of Thomas Brewer, merchant, of Boston, may take the name of Gardner Brewer; that William Brown, of Boston, merchant, may take the name of William Austin Brown; that David Hale, Names changed. Suffolk. Chap 151.

of Boston, may take the name of David Ward Hale ; that Jane Ann Hutchings, child of the late Fitz Edward Hutchings, of the State of Illinois, and adopted child of William Hales, of Boston, may take the name of Jane Ann Hutchings Hales ; that Edmund Wyatt Harring, of Boston, hat manufacturer, may take the name of Wyatt Harrington ; that Charles Jones, of Boston, may take the name of Charles Faneuil Jones ; that William Kelton, of Boston, may take the name of William Leeds Carlton ; that Mary Jane Kelton, wife of said William Kelton, may take the name of Mary Jane Carlton ; and that their six children, all minors, and under the age of twenty-one years, may take the name of Carlton, viz. Elizabeth Stuart Kelton, may take the name of Elizabeth Stuart Carlton ; that William Tolman Kelton, may take the name of William Tolman Carlton ; that Margaret Dominett Kelton, may take the name of Margaret Dominett Carlton ; that Harriet Maria Kelton, may take the name of Harriet Maria Carlton ; that Daniel Filmore Kelton, may take the name of Daniel Filmore Carlton ; that Sarah Jane Kelton, may take the name of Sarah Jane Carlton ; that William Lang, Jun, of Boston, merchant, may take [*the name*] of William Bailey Lang ; that Nancy Newman, of Boston, widow, may take the name of Ann Jane Newman ; that Ludovicus Reed, of Boston, merchant, may take the name of Henry Ludovicus Reed ; that Edward Ross McLachlan, of Boston may take the name of Edward McLachlan Ross—all of the county of Suffolk ; that Mary Bagley, a minor, child of Joseph Bagley, of Newburyport, deceased, may take the name of Mary Lucy Bagley ; that John Mason Bird, of Salem, may take the name of John Mason ; that Methuselah Boynton, of Bradford, a minor, may take the name of Alfred Boynton ; that Martha Davis, of Newburyport, may take the name of Martha Ann Davis ; that Polly Davis, of Newburyport, may take the name of Mary Wheelwright Davis ; that Samuel Cloon Fortune, of Marblehead, may take the name of Samuel Cloon ; that William Hewes Hunkings, of Beverly, may take the name of William Hunkings Hewes ; that Aaron Kimball, a minor, son of David Kimball, of Gloucester, may take the name of John Stacy Kimball ; that Joseph Jackman, of Newbury, may take the name of Joseph Noyes Jackman ; that John Knight, a minor, son of Adams Knight, of Newbury, may take the name of John Little Knight ; that Mark Newman, Jun., a minor, son of Mark Newman, of Andover, may take the name of Mark Haskell Newman ; that Hannah Newman, a minor, child of the said Mark Newman, may take the name of Hannah Haskell Newman ; that Lucy Grafton Pickman, a minor, child of Dudley L. Pickman, Esq., of Salem, may take the name of Catharine Saunders Pickman ; that Peter Edmund Russell, of Marblehead, may take the name of Edmund Peter Russell ; that Joseph Grafton Treadwell, a minor, son of John W. Treadwell, of Salem, may take the name of Joseph Treadwell Grafton—all of the county of Essex ; that Roxalana Edmands, a minor, a child of Benjamin Edmands, of Charlestown, may take the name of Roxalana

Essex.

Middlesex.

Graves Edmands ; that Francis Cook Foxcroft, now resident at Harvard College, son of Francis Augustus Foxcroft, late of Boston, merchant, may take the name of Francis Augustus Foxcroft ; that Reuben Jones, of Concord, may take the name of William Jones—all of the county of Middlesex ; that Catharine Sturgis Nye Peirce, a minor and orphan child, adopted by her uncle, Baalis Bullard, of Uxbridge, may take the name of Catharine Sturgis Nye Peirce Bullard ; that Richard Carter, son of Oliver Carter, of Lancaster, may take the name of Richard Bridge Carter ; that Henry Carter, the 2d, of Leominster, may take the name of Henry Wadsworth Carter ; that James Carter, the 2d, of Leominster, may take the name of James H. Carter ; that Charles Colburn, 2d, a minor, son of Elisha Colburn, of Leominster, may take the name of Charles Henry Colburn ; that Josiah Johnson, 2d, of Leominster, may take the name of Josiah Clements Johnson ; that Dana Rugg, of Templeton, may take the name of Francis Dana ; that Samuel W. Smith, of Barre, may take the name of Warner Smith—all of the county of Worcester. Worcester.

that Nathaniel Weld Davis Crane, of Dorchester, may take the name of Nathaniel Crane ; that Ezra Glover Spurr, of Quincy, mariner, may take the name of Ezra Elijah Glover—both of the county of Norfolk ; that Abraham Borden, 4th, of Troy, may take the name of Abraham G. Borden, that Isaac Hathaway, of Dartmouth, may take the name of Isaac Tobey Hathaway ; that Humphrey Howland, 2d, of Westport, may take the name of Humphrey Daniel Howland ; that Reuben Jenney, of New-Bedford, bricklayer, may take the name of Reuben Jennings—all of the county of Bristol ; that Carlow Allen, only son of Seth Allen, late of Falmouth, in the county of Barnstable, may take the name of Seth Allen ; that Shove Howland, of Amherst, may take the name of Warren Shove Howland ; that Wright Strong, a minor, son of Hezekiah W. Strong, of said Amherst, may take the name of Henry Wright Strong—both of the county of Hampshire ; that Henry Hoyt, a minor, son of Elihu Hoyt, Esq., of Deerfield, in the county of Franklin, may take the name of Henry King Hoyt ; that Sybil Hawk of West Stockbridge, in the county of Berkshire, widow, may take the name of Sybil Niles ; that Edward Prescott, of Boston, aforesaid, may take the name of Edward G. Prescott ; that Catharine Francis, of Charlestown, in the county of Middlesex, may take the name of her benefactor, Catharine Francis Eleanor Jackson ; that Joseph Frothingham, 3d, of Salem, may take the name of Joseph Augustus Frothingham. Essex.

And the several persons herein named, shall hereafter be called and known by the names, which by this act, they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names. [March 4, 1826.]

Chap 154.

AN ACT to incorporate the Pawtucket Calico Manufacturing Company.

Persons incor-
porated.

Powers and
duties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Wilkinson, Jabel Ingraham, Barney Merry, and Simmons L. Hale, with such other persons as already have, or hereafter may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Pawtucket Calico Manufacturing Company, for the purpose of manufacturing calico, and other cotton goods, and for such purposes shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition to the same.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of two hundred thousand dollars, and such personal estate, not exceeding the sum of two hundred thousand dollars, as may be necessary and convenient for the purposes contemplated in this act of incorporation. [March 4, 1826.]

Chap 155.

1824 ch. 148.

AN ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Sunderland Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Sunderland Bank be, and they are hereby authorized to issue bills from said bank, at any time, to the amount of their capital stock actually paid in, instead of half that amount, as now provided. [March 4, 1826.] Add. acts, 1830 ch. 149: 1831 ch. 19.

Chap 156.

AN ACT to incorporate the Proprietors of the First Baptist Meeting-house in Lowell.

Persons incor-
porated.

Powers.

Real estate.
Shares.

Annual meet-
ing, and elec-
tion of officers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Artemas Young, William D. Mason, Nathan Oliver, and others who have associated, or may hereafter associate with them, for the purpose of building a meeting-house, their successors and assigns, be, and they are hereby made a corporation and body politic, by the name of the Proprietors of the First Baptist Meeting-house in Lowell, and by that name may sue and be sued, and may have a common seal, and may also ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient, for the government of said corporation: *provided,* such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth; and may purchase and hold real estate, the annual income of which shall not exceed two thousand dollars; and the shares of the said corporation shall not be less than fifty, nor more than one hundred, in number.

SECT. 2. *Be it further enacted,* That a meeting of said corporation shall be holden annually, on the second Monday of

March, at which meeting the said proprietors shall, by ballot, elect five trustees, one of whom shall be president, and any three of whom shall constitute a quorum for transacting business, a treasurer, who shall also be collector, and a clerk, who shall respectively be sworn to the faithful discharge of the duties of their offices ; and at all meetings of said corporation, each proprietor, or his agent, duly authorized in writing, shall have a right to vote, and be entitled to as many votes as he holds shares : *provided*, no person shall be entitled to more than ten votes ; and any justice of the peace in the county of Middlesex is hereby authorized to issue his warrant to some one of the said proprietors, for the purpose of calling their first meeting, for the organization of said corporation ; at which meeting the said proprietors shall agree on the method of calling future meetings.

First meeting.

SECT. 3. *Be it further enacted*, That whenever any proprietors shall refuse or neglect to pay any tax or assessment, duly voted and agreed on by said corporation, for the purposes thereof, to the treasurer, within sixty days after the same shall be made payable, the said treasurer, being thereunto directed by the said trustees, may sell, at public vendue, the share or shares of such delinquent proprietor, to defray said tax, and necessary charges, after posting notice of the time and place and cause of such sale, at two or more public places in said town, at least thirty days previous to such sale, and a certificate of the same, under the hand of the president and clerk of said corporation, shall transfer all the right, title and interest of such delinquent in the share or shares thus sold to the purchaser. And if the said share or shares so sold, shall sell for more than the taxes or assessments thereon due, and charges, the overplus shall be paid over to such delinquent proprietors, by the treasurer, on demand ; or the said treasurer may, by the direction of the said trustees, and in the name of said corporation, sue and prosecute, to final judgment and execution, any such delinquent proprietor, for any tax or assessment due on any share or shares, of such delinquent proprietor. [March 4, 1826.]

Assessments.

Treasurer may sell delinquent's shares.

An ACT to incorporate the President, Directors and Company of the Mercantile Bank.

Chap 157.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Winn, Jun., Larkin Thorndike, Michael Shepherd, David Pingree, William E. Parker, George Nichols, S. W. Shepherd, Joseph Howard, Francis Boardman, Timothy Bryant, Jun., their associates, successors and assigns, be, and they are hereby created a corporation, by the name of the President, Directors and Company of the Mercantile Bank, and shall so continue, from the passage of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled “an act to incor-

Persons incorporated.

Powers and duties.

1811 ch. 84.	porate the President, Directors and Company of the State Bank,''
Proviso.	except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited and enacted : <i>provided, however,</i> that the amount of bills issued from said bank, at any one time, shall not exceed the amount of capital stock actually paid in.
Capital stock.	SECT. 2. <i>Be it further enacted,</i> That the capital stock of said corporation shall consist of the sum of two hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid
When to be paid in.	in at such times as the stockholders may direct ; fifty per centum, however, to be paid in on or before the first day of July next, and the residue within one year from the passing of this act ; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns,
Real estate.	lands, tenements and hereditaments, to the amount of twenty thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the president, or two of the directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable : <i>provided, however,</i> that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation : <i>and provided, further,</i> that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed, and actually paid in, and existing in gold and silver in the vaults, shall amount to one hundred thousand dollars ; nor until said capital stock, actually in said vaults, shall have been inspected and examined by
Proviso.	three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been <i>bona fide</i> paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain, as a part of said capital, and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his
Examination of capital.	

full proportion of the whole of said capital stock, as herein before provided and required.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Salem; and the whole number of directors shall be nine: and a majority of the board shall be inhabitants of said town; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said bank.

Location of bank, and number of directors.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Loans to the Commonwealth.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in two newspapers, printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and the choice of the first board of directors, and such other officers as they shall see fit to choose.

First meeting.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe, on account of the Commonwealth, a sum, not exceeding one half the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the Legislature, made and established.

Commonwealth may subscribe to the capital stock.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have the right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right.

Legislature may appoint directors.

SECT. 8. *Be it further enacted*, That the cashier of said bank, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the board of directors,

Cashier to give bond.

in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Corporation liable to pay original amount of altered notes.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration; and shall also be holden to pay to any *bona fide* holder the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange, any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Condition of this act.

SECT. 11. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Capital stock shall not be sold for one year.

SECT. 12. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, from the passing of this act.

Examination of the doings of the bank.

SECT. 13. *Be it further enacted*, That any committee, specially appointed for that purpose, by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [March 4, 1826.] Add. act, 1830 ch. 58.

Chap 158.

An Act in relation to a House of Correction in the County of Essex.

County Prison to be used for House of Correction.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the court of sessions in and for the county of Essex, be, and they are, hereby authorized and empowered, to provide for making use of so much of any one or more of the county prisons, in said county, as at their discretion may appear to be necessary, for the purposes of a house of correction; and to transfer thereto any persons now confined in the present house of correction in said county. [March 4, 1826.]

AN ACT to establish the Pawtucket and Taunton Turnpike Corporation.

Chap 159.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Oliver Starkweather, Elijah Ingraham, Ebenezer Tyler, Edward Walcott, Samuel Green, James C. Starkweather, David Bucklin, and Otis French, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are, made a corporation, by the name of the Pawtucket and Taunton Turnpike Corporation, for the purpose of making a turnpike road from the corner of the road opposite Otis French's house, in Seekonk, near the village of Pawtucket, in the county of Bristol, in the most direct and convenient way through a part of Seekonk and Rehoboth to Taunton Green, and shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties prescribed and contained in an act entitled "an act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto. [March 4, 1826.]

Persons incorporated.

Powers and duties.

1804 ch. 125.

AN ACT to incorporate the Suffolk Hotel Company.

Chap 160.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Bordman, William Lawrence, Jeremiah Fitch, Charles B. Shaw, and Nathaniel Hammond, and all such persons as may associate with them, as proprietors, their successors and assigns, shall be, and hereby are, constituted a body politic and corporate, by the name of the Suffolk Hotel Company; and by that name may sue and be sued, defend and be defended, in any courts of record, or other place whatsoever; and shall and may do and suffer all matters, acts, and things, which bodies politic may do and suffer; and may make, have, and use a common seal, and the same at pleasure break, alter and renew, and ordain, and put in execution, such by-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their affairs; and for the breach of such by-laws, ordinances, and regulations, may order fines and penalties, not exceeding ten dollars for every breach: *provided*, that such by-laws, ordinances, and regulations shall not be repugnant to the laws of this Commonwealth.

Persons incorporated.

Powers.

Proviso.

SECT. 2. *Be it further enacted,* That the said corporation be, and the same is, declared capable to hold, have and possess, in fee simple, or otherwise, all, or any part of that real estate, in the city of Boston, bounded easterly on Hanover-street, there measuring one hundred and fifty feet, thence running westerly to Sudbury square, there measuring one hundred and fifty feet: *provided*, the said corporation shall acquire the same by legal grant from the lawful proprietors thereof; and said corporation shall have power to grant, sell and alien, in fee simple or otherwise, the said corporate property, or any part thereof, and to lease, manage, and otherwise improve the same accord-

Real estate.

Proviso.

- ing to their will and pleasure, and by such forms of conveyance and contract as shall by their by-laws be provided : *provided, further*, that the building to be erected on Hanover-street shall always be kept as a public hotel, and for no other purposes, except the lower story of the same fronting on said street ; the residue of said estate to be occupied and improved as a livery stable, and other purposes not incompatible with the provisions of this act.
- Proviso.** **SECT. 3.** *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the form of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation in a book to be kept for that purpose, and shall be liable to attachments on mesne process, and sale on execution, in the manner and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated companies.
- Shares and the transfer thereof.**
- Estate liable to attachment and execution.** **SECT. 4.** *Be it further enacted*, That the real estate, and other property of said corporation, shall be liable to be attached on mesne process, and be set off and sold on execution against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process.
- Assessments, and of the collection thereof.** **SECT. 5.** *Be it further enacted*, That said corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole three hundred dollars on each share, for the purchase, improvement, and good management of their estate ; and for erecting, repairing, or altering buildings, or for the incidental expenses of the corporation, and to sell or dispose of the shares of any delinquent proprietor, for the payment of such assessment, in such way and manner as said corporation may, by their by-laws and regulations determine and agree upon.
- Right to vote.** **SECT. 6.** *Be it further enacted*, That, in all meetings of the stockholders in said corporation, each member shall be entitled to one vote for each share held by him.
- First meeting.** **SECT. 7.** *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said corporation, by advertising in any newspaper printed in Boston, three times, the first not less than three days before the time appointed for such meeting ; and the corporation at their first meeting, and afterwards annually, on such day as shall be established by the by-laws, shall choose a president, clerk, and such other directors or officers, as they may see fit, which clerk shall be under oath ; they may also agree upon the mode of calling future meetings.
- Annual choice of officers.**
- Contracts binding on individual stockholders.** **SECT. 8.** *Be it further enacted*, That all covenants or contracts which shall be made by said corporation, and all debts due from it, shall be binding on each one and all of those persons, individually, who shall be stockholders in said corporation, when

such contracts respectively are made, and on their respective heirs, executors, and administrators, in the same manner as if such covenants or contracts had been made in debts contracted by such stockholder or stockholders in his or their individual capacity.

SECT. 9. *Be it further enacted*, That the Legislature shall have authority to alter, amend, or repeal this act, at any time after the expiration of twenty years. [March 4, 1826.] Legislative control.

An ACT to incorporate the President, Directors and Company of the Andover Bank.

Chap 161.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Farrar, Joseph Kitteridge, Amos Abbot, Nathaniel Swift, Amos Spaulding, Henry Skinner, Francis Kidder, Hobart Clark, Mark Newman, their associates, successors and assigns, shall be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Andover Bank, and shall so continue, from the passing of this act, until the first Monday of October, which will be in the year of our Lord, one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities which are contained in an act entitled, “an act to incorporate the president, directors and company of the State Bank,” except so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Persons incorporated.

Powers and duties.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times as the stockholders may direct, fifty per centum, however, to be paid in on or before the first day of July next, and the residue within one year from the passing of this act; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of, and convey the same, by deed, under the

Capital stock.

[Capital increased, 1832 ch. 22: 1833 ch. 150: 1836 ch. 97.]

When to be paid in.

Transfer of stock.

Real estate.

seal of said corporation, and signed by the president, or two of the directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in the vaults, shall amount to fifty thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain, as a part of said capital, and to return a certificate thereof to the governor; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Location of
bank, and num-
ber of directors.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Andover; and the whole number of directors shall be nine, five of whom shall constitute a quorum for transacting business; and a majority of the board shall be inhabitants of said town; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at said bank.

First meeting.

SECT. 4. *Be it further enacted*, That the persons herein before named, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in one of the newspapers printed in Boston, and one printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and the choice of the first board of directors, and such other officers as they shall see fit to choose; and at said meeting, and at all subsequent meetings of the stockholders, all matters shall be determined by the major votes of the persons present at such meeting, who are stockholders, or who, by authority in writing, represent stockholders.

Loans to the
Common-
wealth.

SECT. 5. *Be it further enacted*, That, whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding

ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital, then paid in.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Commonwealth may subscribe to the capital stock.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have the right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right.

Legislature may appoint directors.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

Cashier to give bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have actually been paid in.

Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any *bona fide* holder the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation, shall be printed or impressed with the stereotype plate ; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Corporation liable to pay original amount of altered notes.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act.

Stock shall not be sold for one year.

SECT. 12. *Be it further enacted*, That in case this act shall

Charter, how
forfeited.

not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Legislative ex-
amination.

SECT. 13. *Be it further enacted*, That any committee, specially appointed for that purpose, by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [*March 4, 1826.*] Add. acts, 1830 ch. 58: 1832 ch. 22: 1833 ch. 150: 1836 ch. 97.

Chap 162.

An Act incorporating the Hingham Mutual Fire Insurance Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaiah Wilder, Seth Cushing, David Whiton, John Beal, Edward Wilder, Martin Fearing, Elpalet Loring, James Stephenson, Samuel Sprague, Seth Cushing, Jun., Joseph Cushing, Jotham Lincoln, Elijah Whiton, 2d, Pyam Cushing, Matthew Burr, Benjamin Andrews, Moses Whiton, Leavitt Souther, Wilson Whiton, Moses Sprague, Jun., Hawkes Loring, Levi Corthell, Jun., Jacob Groce, William Gorden, Martin Leavitt, Loring Corthell, Thomas Fearing, Fearing Loring, John Fearing, Benjamin Thomas, Thomas Loud, David Andrews, Welcome Lincoln, Atson Studley, Caleb Hobart, Jun., Elijah D. Wild, Jedediah Lincoln, David Harding, and their associates, shall be a corporation, by the name of the Hingham Mutual Fire Insurance Company, and possess all the powers and privileges incident to such corporations for twenty-eight years.

Powers and
privileges.

Directors and
by-laws.

SECT. 2. *Be it further enacted*, That said corporation shall choose a number of directors, not less than five, and such other officers as they shall judge necessary, and establish such by-laws as they may deem necessary, not inconsistent with the constitution and laws of this Commonwealth; in all matters decided in any general meeting of said corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy.

Right to vote.

[Repealed
1826 ch. 53.]

SECT. 3. *Be it further enacted*, That when the sum subscribed by the associates to be insured shall amount to the sum of fifty thousand dollars, said corporation shall then be authorized to insure for the term of one to seven years, any dwelling-house or other building in the town of Hingham, to any amount not exceeding three quarters of the value of the property insured.

Appropriation
of funds.

SECT. 4. *Be it further enacted*, That the funds of the corporation shall be vested in stocks, or loaned on such security as the directors may order, and the funds shall be appropriated, first, to pay the expenses of the corporation, and next, to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim against the corporation, exceeding the amount of their then existing funds, the directors shall, without delay, assess such sums as

may be necessary, on the members, which assessment shall be in proportion to the amount of his premium or deposit, but shall not, in any case, exceed double the amount of said premium and deposit.

SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment, and the directors shall neglect to satisfy and pay the same within sixty days after demand made for that purpose upon the treasurer, clerk, or any director of said corporation ; then the execution issuing upon such judgment may be levied upon the private property of any of said directors, to the amount of the excess of the funds of the corporation, together with the amount of all the assessments they are authorized to make, over and above the amount due on judgments previously demanded ; and any directors who may have their property taken, may sustain an action on the case to recover compensation therefor of the corporation, or a proportional part thereof, and contribution therefor, of the other directors.

Execution may be levied on private property of directors.

SECT. 6. *Be it further enacted*, That as each member of this corporation is liable to pay such assessments as the directors shall order, and likewise to pay his deposit note, given for his premium, now to secure the payment of the same, it is hereby provided, that a policy of insurance shall, of itself, without any other ceremony whatever, create a lien on any dwelling-house or building insured, and on the land under it : *provided*, said policy shall express the intention of the corporation, of relying on such lien ; this provision shall not prevent the corporation from taking any other kind of collateral security.

Policy shall create a lien on property insured.

SECT. 7. *Be it further enacted*, That in case it shall become necessary to resort to such lien as is before provided, it shall be the duty of the treasurer, before he attempts to compel payment by selling the insured premises, first to demand payment of the insured, and, in case of his decease, of his legal representatives, and likewise of the occupant of the insured estate ; in case payment is not thereupon made, said corporation may then sustain an action on the case against the insured, or his legal representative, for any sum due, either on a deposit note, or by assessments, and the execution which may issue thereon may be levied on the insured premises ; and the officer making the levy may sell the whole or part thereof at public auction, giving the same notice and proceeding in the same manner as is required in the sale of equities of redemption on execution ; and the insured shall likewise have a right to redeem the estate thus sold, within one year, by first paying to the purchaser, or his assigns, the amount for which the estate shall be thus sold, and interest on such amount, at the rate of twelve per cent. per annum.

Duty of treasurer.

Right of redemption.

SECT. 8. *Be it further enacted*, That whenever the term of any policy shall expire, the member of said corporation holding such policy shall have a right to demand of said corporation his just proportion of all the funds of said corporation.

SECT. 9. *Be it further enacted*, That said corporation shall be liable to be taxed by any general law of the Commonwealth.

Liability to be taxed.

First meeting. Any two members named in this act may call the first meeting, by giving notice thereof in one or more public places in the town of Hingham. [March 4, 1826.] Add. acts, 1826 ch. 53 : 1831 ch. 7.

Chap 164.

An Act to incorporate the Proprietors of the Newburyport Bridge.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Prince, John Wood, Stephen Frothingham, and such others as have associated with them, and their successors and assigns, be, and they hereby are constituted and made a body politic and corporate, by the name of the Proprietors of the Newburyport Bridge, and by that name may sue and be sued to final judgment and execution ; may have a common seal, and the same at pleasure break and annul.

Authorized to
erect a bridge.

SECT. 2. *Be it further enacted,* by the authority aforesaid, that said proprietors be, and they hereby are authorized and empowered at any time within three years next after the passing of this act, but not afterwards, to erect a bridge over and across Merrimack river, at some convenient point between the westerly side of Kent street, and the easterly side of Market street, in Newburyport, to some convenient point in the town of Salisbury ; said bridge to be not less than thirty-six feet wide, from outside to outside, with arches, measuring in all not less than seven hundred and fifty feet in the clear, none of which arches shall be less than one hundred feet, and one of which shall be at least one hundred and fifty feet long ; the lowest part of each arch over the channel to be at least fifteen feet high above common high water. There shall also be a draw not less than thirty-eight feet wide, for the accommodation of vessels, and other river craft having a mast or masts higher than will readily pass under the draw, to be opened at all times on demand, free from expense or toll, and a suitable pier on each side of the bridge at the draw ; and upon the draw there shall be one lamp, and over the centre of the highest arch there shall be one lamp ; and said bridge shall be sufficiently lighted. And said bridge shall also be covered with timber or plank, in all parts where timber or plank are necessary ; and at all times kept in good repair, and safe for passengers with their teams, or otherwise, where the weight to be carried over does not exceed four tons ; and shall also be railed with a good railing on both sides thereof, not less than three and a half feet high, for the safety and security of passengers ; and for the accommodation of persons who may have occasion to pass vessels through the bridge, from one side to the other, said proprietors shall place, and at all times keep placed, one good anchor above, and one below said draw, with a buoy to facilitate the passage through the bridge.

Draw.

Bridge to be
lighted.

Authorized to
make road.

[Width of road
increased 1826
ch. 1.]

SECT. 3. *Be it further enacted,* That said proprietors be, and they hereby are authorized and empowered to lay out and make a road four rods wide from their bridge on the Salisbury side, to the county road leading to the east meeting-house in said

Salisbury, at the expense of said proprietors ; said corporation to be held liable for all damages to be sustained by any person or persons whose land is taken for said road ; the amount of damage, if the parties cannot agree, to be ascertained in the way prescribed by law for damages sustained by individuals whose lands are taken for public roads ; and it shall be the duty of said corporation, at all times, to keep said road in good repair, and convenient and safe for all having occasion to use it. And there shall be a sufficient path-way on the side of the bridge, for foot passengers, and there shall be a fence on each side of the road or causeway.

Damages how ascertained.

SECT. 4. *Be it further enacted*, That for the purpose of reimbursing said proprietors, the money they may expend in building and supporting said bridge and road, they be, and hereby are authorized and empowered to take and receive, for passing over said bridge, the same tolls which the Essex Merrimack Bridge are authorized and empowered to take, said toll to commence on the first day when said bridge and road are opened for passengers, and to continue for the term of forty years next after, and no longer ; but after that time, said bridge shall revert to and become the property of the Commonwealth, and be surrendered by the proprietors for the time being in good repair.

Tolls.

SECT. 5. *Be it further enacted*, That the shares in said bridge and road shall be deemed personal property, and divided into one thousand shares, and liable to be taken on mesne process or execution, as the property of the owner or owners thereof, in the same way and manner as is now by law provided for taking the share or shares of individuals in banking corporations.

Shares.

SECT. 6. *Be it further enacted*, That said proprietors shall be held to pay, to the owners of lands in Newburyport and Salisbury such damages as they may sustain by reason of the erection of said bridge upon their lands, and the passing of said road leading to said bridge, over their lands.

Damages.

SECT. 7. *Be it further enacted*, That after the expiration of thirty years, the Legislature shall have a right to regulate the tolls to be taken at said bridge.

Legislative control.

SECT. 8. *Be it further enacted*, That any justice of the peace in the county of Essex, on the application of any three of the proprietors, be, and hereby is authorized to call the first meeting ; and said proprietors, at their first meeting, shall elect a clerk, to record the transactions of the corporation, who shall be sworn to the faithful performance of the duties of his office, and shall at all times keep a fair record of their doings ; and shall also choose five directors, one of whom shall be president of the corporation, and, as such, elected by the board of directors. The first meeting shall be called by printing an advertisement thereof in some public newspaper printed in Newburyport, at least six days before the time appointed for holding said meeting ; at which time, or at any future meeting, said proprietors may agree upon the mode of calling future meetings ; and may make such rules, regulations, and by-laws as they may think meet, and may annex

First meeting.

By-laws.

Proviso.

penalties thereto, not exceeding five dollars : *provided*, such rules, regulations and by-laws shall in no way be repugnant to the constitution or laws of the Commonwealth.

SECT. 9. *Be it further enacted*, That nothing in this act contained shall preclude said proprietors from making any of the aforesaid arches higher or wider.

Assessments,
and the collec-
tion thereof.

SECT. 10. *Be it further enacted*, That the directors be, and they hereby are authorized to make, from time to time, such assessments on the shares of the proprietors, as may be found necessary to make and complete said bridge, or to make any repairs of the same : and if the owner of any share or shares shall refuse or neglect, for the space of twenty days after notice, to pay such assessment, the treasurer for the time being, may cause the share or shares of such delinquent stockholders to be sold at public auction, for the payment thereof, first giving notice of the time and place of sale, four days at least, and not more than twenty days previous to the time appointed ; and the balance, if any, arising from such sale, after paying the assessment, and all reasonable charges, shall be paid over to the owner or owners of such share or shares on demand. [*March 4, 1826.*] Add. act, 1826 ch. 1.

Chap 165. An Act to incorporate the President, Directors and Company of the Cambridge Bank.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James P. Chaplin, Benjamin Bigelow, John Trowbridge, William Hilliard, Eliab W. Metcalf, and Israel Porter, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Cambridge Bank ; and shall so continue from the passage of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled “an act to incorporate the president, directors, and company of the State Bank ;” except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted : *provided, however*, that the amount of bills issued from said bank shall not exceed the amount of capital stock actually paid in.

Powers and
duties.

1811 ch. 84.

Proviso.

Capital stock.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred and fifty thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of [*one*] hundred dollars each, which shall be paid in at such times as the stockholders may direct, fifty per centum, however, to be paid in on or before the first day of June next, and the residue within one year from the passing of this act ; and no dividend shall be declared on the capital stock of said

Shares and
when to be paid
in.

bank, until the whole of said stock shall have been paid in conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of ten thousand dollars, and no more at any one time, with power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the president or two of the directors ; and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation : *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in and existing in gold and silver in the vaults shall amount to fifty thousand dollars ; nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain, as a part of said capital ; and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Mode of transferring stock.

Real estate.

Proviso.

Examination of capital by commissioners.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Cambridge, and village of Cambridgeport ; and the whole number of directors shall be nine, and a majority of the board shall be inhabitants of said town ; and no loan or discounts shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said bank.

Location of bank, and number of directors.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *pro-*

Loans to the Commonwealth.

Proviso.

vided, however, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

First meeting.

SECT. 5. *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary : *provided,* the same be not repugnant to the constitution and laws of this Commonwealth ; and the choice of the first board of directors, and such other officers as they shall see fit to choose.

Commonwealth may subscribe to the capital stock.

SECT. 6. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe on account of the Commonwealth, a sum not exceeding one half the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature may appoint directors.

SECT. 7. *Be it further enacted,* That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Cashier to give bond.

SECT. 8. *Be it further enacted,* That the cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with condition for the faithful discharge of his office.

Tax.

SECT. 9. *Be it further enacted,* That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock actually paid in.

Corporation liable to pay original amount of altered notes.

SECT. 10. *Be it further enacted,* That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any *bona fide* holder the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate ; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank

incorporated within this Commonwealth, for any less sum than the nominal value expressed in said bill or note.

SECT. 11. *Be it further enacted*, That in case this act shall not be put into operation according to the provisions thereof, within one year from the time of passing the same, then it shall become void. Condition of this charter.

SECT. 12. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereof for and during the term of one year from the passing of this act. Stock shall not be sold for one year.

SECT. 13. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [*March 4, 1826.*] Add. act, 1830 ch. 58. Legislative examination and forfeiture of charter.

An Act in addition to an Act entitled "An Act to incorporate the President, Directors and Company of the Union Bank, in the town of Boston."

Chap 166.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors, and Company of the Union Bank in Boston, incorporated on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, be, and they are hereby authorized to have and to hold real estate, exclusive of mortgages, to the value of one hundred and fifty thousand dollars, any thing in the act to which this is in addition, to the contrary notwithstanding. [*March 4, 1826.*] Add. act, 1830 ch. 74. 1812 ch. 38.

Authorized to hold increased amount of real estate.

An Act to incorporate the Boston Tract Society.

Chap 167.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Tappan, Henry Homes, David Hale and James Clap, and their associates be, and they are hereby incorporated and made a body politic, for the purpose of distributing religious tracts, by the name of the Boston Tract Society, with power to make by-laws, consistent with the laws of the Commonwealth, for the admission of other associates, for the regulation of said society, and the preservation and application of its funds, to have a common seal, to make contracts, to sue and be sued, to receive by subscription, gift, demise, purchase, or otherwise, any estate, real, personal or mixed, and the same hold, occupy, lease, or sell and dispose of, for the sole benefit of said society: *provided*, the same shall not exceed thirty thousand dollars. Persons incorporated.

Powers.

Estate, real or personal.

First meeting. SECT. 2. *Be it further enacted*, That James Clap be, and he is hereby authorized to call the first meeting of the said society, by giving public notice of the time and place, in one or more newspapers, printed in Boston, at least three days prior to such meeting.

Limitation of act. SECT. 3. *Be it further enacted*, That this act shall be in force for the term of twenty years, and no longer. [March 4, 1826.]

Chap 168. An Act in addition to an Act to incorporate the President, Directors and Company of the Asiatic Bank.

1824 ch. 40.

Increase of capital stock authorized.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Asiatic Bank be, and they hereby are authorized and empowered to increase their present capital stock, by an addition of three hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, and shall be so disposed of as a majority of the stockholders, at any legal meeting, may direct and determine: *provided, however*, that the sum added to the capital stock, by virtue hereof, shall be paid in within twelve months from the passing of this act.

Proviso.

[Time extended 1826 ch. 69.]

SECT. 2. *Be it further enacted*, That the additional stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions as the capital stock of said corporation is now liable to, by virtue of the act to which this is in addition.

Number of directors may be increased.

SECT. 3. *Be it further enacted*, That the said president, directors and company be authorized, whenever the same shall be voted at any legal meeting called for that purpose, to increase the number of directors of said company to any number not exceeding twelve: *provided, however*, it be done within twelve months from the passing of this act. [March 4, 1826.] Add. acts, 1826 ch. 69 : 1827 ch. 24 : 1829 ch. 75 : 1830 ch. 58.

Proviso.

Chap 169. An Act to incorporate the Proprietors of West India Wharf, in the city of Boston.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Foster, Leonard Foster and Charles C. Foster, all of Boston aforesaid, and their associates, successors and assigns, be, and they hereby are, constituted a body politic and corporate, by the name of the Proprietors of the West India Wharf; and the said corporation, by the same name, are hereby declared and made capable in law to sue and be sued, to plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws, for the regulation and management of their property, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

Powers.

Real estate.

SECT. 2. *Be it further enacted*, That the said corporation be, and hereby is declared capable to have, hold and possess the following real estate, in the city of Boston, whenever the lawful

proprietors thereof shall legally convey the same to the said corporation, to wit: a piece of land, wharf and dock, bounded westerly on a forty foot passage way, in a line with Broad street, two hundred and thirty-four feet, more or less, northerly on a town passage way and dock, lying between Rowe's wharf and Foster's wharf, to the channel; easterly on the channel, three hundred thirty-seven feet, more or less, and southerly on Burkstead and Harris's ship, or graving yard, or however otherwise the said estate may be bounded, together with all the rights, privileges and appurtenances thereof; and the said corporation shall have power to sell, grant, alien and convey, in fee simple, or otherwise, their corporate property, or any part thereof, and lease, manage and improve the same, according to the will and pleasure of said corporation, to be expressed at any legal meeting.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into two hundred shares in number, as the said corporation may find to be most expedient; and said shares shall be divided among the several proprietors, according to the interests and portions which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the president of the corporation, and issued to the proprietors accordingly; and such shares shall, in all respects, be considered as personal estate, and shall be transferable by endorsement on said certificates, and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof, by the clerk of the corporation, and new certificates shall be issued accordingly.

Shares.

Transfer of shares.

SECT. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary, for the improvement and good management of the corporate estate, not exceeding, in the whole, five hundred dollars on each share. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after thirty days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to receive a certificate of the same.

Assessments.

Shares of delinquents may be sold.

SECT. 5. *Be it further enacted*, That the real estate which the said corporation shall have and hold at any time, by virtue of this act, shall not exceed in value the sum of two hundred thousand dollars; and in all meetings of the members of said corporation, each proprietor shall be entitled to one vote for every share held by him in said corporation; but no one proprietor shall have more than ten votes: *provided, always*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds, at least, in number of votes of those present, or represented at said meeting, nor unless public notice shall have been given, at least ten days previous to such meeting,

Limitation of real estate.

Right to vote.

of the purpose of such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act by proxy, in writing, at any meeting.

First meeting.

SECT. 6. *Be it further enacted*, That either of them the said William, Leonard, or Charles C. Foster, may call a meeting of said corporation, by advertising the same in any newspaper printed in Boston, ten days at least before the time of meeting; and that the said corporation may, at such meeting, agree on the mode of calling future meetings; and shall elect a president and clerk, and may elect all such other officers as said corporation may think fit for conducting and managing the corporate affairs and estate, and the same may change and remove, as said corporation shall see fit.

Limitation of this act.

SECT. 7. *Be it further enacted*, That said corporation shall continue and be in force for the term of twenty years from the time of the passage of this act, unless sooner repealed by the Legislature. [*March 4, 1826.*]

Chap 174.

An Act to incorporate the Quinnabaug Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Henry Fiske and Lyman Fiske, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Quinnabaug Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in Sturbridge; and shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and in the several acts in addition thereto.

Powers and duties.

1803 ch. 63.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding one hundred and fifty thousand dollars, as may be necessary and convenient for carrying on their business. [*March 4, 1826.*]

Chap 175.

An Act to incorporate the Cape Cod Fire and Marine Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Freeman Baker, Edward B. Hallet, Charles Hallet, Seth Killey, Zeno Killey, David K. Akin, Oliver Hallet, Ichabod Sherman, Roland Lewis, Caleb Reed, Oren Howes, Henry Thacher, Lewis Crowell, Ansel Hallet, Nathan Hallet, and Randel Hallet, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Cape Cod Fire and Marine Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled

Powers and duties.

“an act to define the powers, duties, and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies of this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, to final judgment and execution, and may have a common seal, which they may alter at pleasure ; and may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, the said real estate shall not exceed the value of twelve thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

1817 ch. 120.

1819 ch. 141.

Real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within ninety days after the first meeting of said company, and the residue shall, within twelve months from the passing of this act, be secured by a deposit of stock of some bank within this Commonwealth, or shall be paid in money in such sum or sums, and at such time or times, (the last payment not to exceed twelve months from the passage of this act,) and under such penalties, as the said president and directors shall, in their discretion, direct and appoint ; and so much of the said capital stock of said company as shall be paid in money as before provided, shall, within six months from the time the same is paid in, be invested according to the provisions of “an act to define the powers, duties and restrictions of insurance companies,” passed the sixteenth day of February, Anno Domini one thousand eight hundred and eighteen.

Capital stock.

When to be paid.

How invested.

1817 ch. 120.

SECT. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of the said company shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the first Monday of January annually, at such time of the day, and in such place in Yarmouth, as the directors, for the time being, shall direct ; of which election public notice shall be given in any newspaper printed in the county of Barnstable, or any newspaper printed in the city of Boston, ten days, at least, previous to the meeting, and the election shall be made by ballots, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than ten votes, and absent stockholders may vote

Number of directors.

Right of voting.

- by proxy, under such regulations as the said company shall prescribe ; and if, by any accident or mistake, the directors should not be chosen on the said first Monday of January as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided ; and it shall be the duty of the secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in Yarmouth as they shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of directors.
- SECRET. 4.** *Be it further enacted,* That the directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful performance of the duties of his office, and who shall preside for one year ; and in case of death, resignation, or inability to serve, of the president, or any directors, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be notified, and held, in the same manner as is herein before provided respecting annual elections of directors.
- SECRET. 5.** *Be it further enacted,* That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the conduct and duties of the several officers, clerks and servants employed, and the election of the directors, and all such matters as appertain to the business of insurance ; and who shall have power to appoint a secretary and so many clerks, for carrying on the said business, and with such salaries and allowances to them and to their president, as to the said board shall seem meet : *provided,* such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.
- SECRET. 6.** *Be it further enacted,* That any five of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same in any newspaper printed in the county of Barnstable, or in the New England Palladium, printed in the city of Boston, fourteen days at least before the day on which the choice is to be made, for the purpose of electing their first board of directors, who shall remain in office until the first Monday of January next, and until others shall be elected in their stead : *provided, however,* that this charter shall be void and of no effect unless put in operation, agreeably to the terms of it, within one year from and after the passing of this act : *and provided, also,* that said company shall
- Secretary upon application shall call a meeting of stockholders.
- Choice of president.
- Vacancies how filled.
- Board of directors.
- By-laws.
- Proviso.
- First meeting.
- Conditions of this charter.

not take any risk, or subscribe any policy by virtue of this act, until one moiety of the capital of said company shall have actually been paid in or secured in manner before provided.

SECT. 7. *Be it further enacted*, That the said company shall never take, on any one risk against fire or other risks, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, or secured agreeably to the provisions of this act. Limitation of risks.

SECT. 8. *Be it further enacted*, That said insurance company shall be located and kept in the town of Yarmouth. Location.

SECT. 9. *Be it further enacted*, That said insurance company shall be liable to be taxed, by a general law, providing for the taxation of all similar corporations. Liability to be taxed.

SECT. 10. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year after this charter shall be put into operation as aforesaid. [*March 4, 1826.*] Capital stock shall not be sold for one year.

An ACT to incorporate the President, Directors and Company of the Leicester Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Clapp, John Richardson, James Smith, John A. Smith, Henry Sargent, Joseph D. Sargent, John Davis, Austin Flint, and Thomas Denny, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Leicester Bank, and shall so continue until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled, “an act to incorporate the president, directors and company of the State Bank,” except so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in. Chap 178.
Persons incorporated.
Privileges and duties.
1811 ch. 84.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, with such part as this Commonwealth may subscribe in manner herein after mentioned divided into shares of one hundred dollars each, which shall be paid in manner following, viz: one fourth part thereof on the first day of June next, one fourth part thereof on or before the first day of August next, one fourth part on or before the first day of November next and one fourth part on or before the first day of February next, and no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock Amount of capital.
When to be paid.

shall have been paid in, conformably to the provisions of this act. And the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess and enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments to the amount of ten thousand dollars, and no more at any one time, with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the president, or two of the directors; and to loan and negotiate their monies and effects, by discounting on banking principles on such security as they may think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount as security for, or in payment of, any debts due to the said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults: and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards the payment of their respective shares, and not for any other purpose; and that it is intended therein to remain, as a part of said capital; and to return a certificate thereof to the governor. And no stockholder shall be allowed to borrow money at said bank, until he shall have paid in his full proportion of said capital stock, as herein before provided and required.

Real estate.

Proviso.

Examination of capital by commissioners.

Location of bank and number of directors.

Loans to the Commonwealth.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Leicester; and the number of directors shall be nine, five of whom shall be necessary to constitute a quorum for the transaction of business; a majority of the directors shall always be residents in said town, and all of them in the county of Worcester; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said bank.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any time, reimbursable by five annual instalments, or any shorter

time at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum: *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital stock paid in.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Worcester, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and the choice of the first board of directors, and such other officers as they shall see fit to choose.

First meeting.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management, as shall be by the Legislature made and established.

Commonwealth may subscribe to capital stock.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right from time to time to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Directors may be appointed by the Legislature.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

Cashier to give bond.

SECT. 9. *Be it further enacted*, That the said corporation from and after the first day of October next, shall pay by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first day of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration; and shall also be liable to pay to any *bona fide* holder the amount of any note counterfeited, unless all the notes actually issued by said corporation, shall be printed or impressed with the stereo-

Corporation liable to pay original amount of altered notes.

type plate ; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, for any less sum than the nominal value expressed in such bill or note.

Conditions of
charter.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act. And in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Legislative ex-
amination.

SECT. 12. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults ; and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions, in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [March 4, 1826.] Add. act, 1830 ch. 58.

Chap 179.

An ACT to incorporate the North Market Street Warehouse Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin P. Homer, John D. Williams, Daniel P. Parker, Henry Rice, Amos Lawrence, Abbott Lawrence and Isaac McLellan, and all such persons as may associate with them as proprietors, their successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the North Market Street Warehouse Company ; and by that name may sue and be sued, defend and be defended in any courts of record, or other place whatsoever, and shall and may do and suffer all matters, acts and things which bodies politic may do and suffer ; and may make, have and use a common seal, and the same at pleasure, break, alter and renew, and ordain and put in execution, such by-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their affairs ; and for the breach of such by-laws, ordinances and regulations, may order fines and penalties not exceeding ten dollars for every breach : *provided*, that such by-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth.

Powers.

By-laws.

Real estate.

SECT. 2. *Be it further enacted*, That the said corporation be, and the same is declared capable to hold, have and possess, in fee simple, or otherwise, all, or any part of that real estate in the city of Boston, bounded west on the Roe-buck passage way, south on North Market street, east on the new street leading from Long wharf, by the end of the new market-house, to Mill creek, north on Mill creek and the city's land : *provided*, the said corporation shall acquire the same by legal grant, from the lawful

Proviso.

proprietors thereof; and said corporation shall have power to grant, sell and alien, in fee simple, or otherwise, the said corporate property, or any part thereof, and to lease, manage and otherwise improve the same, according to their will and pleasure, and by such forms of conveyance and contracts as shall, by their by-laws, be provided.

SECT. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares, into which said estate shall be divided, and agree upon the form of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable, by assignment on the back of the certificate, recorded by the clerk of the corporation, in a book to be kept for that purpose, and shall be liable to attachments on mesne process, and sale on execution, in the manner, and according to the form of the statutes, making provision for the attachment and sale of shares of debtors, in incorporated companies.

Shares, and the transfer of them.

SECT. 4. *Be it further enacted*, That the real estate and other property of said corporation, shall be liable to be attached on mesne process, and be set off and sold on execution against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process.

Real estate of corporation liable to attachment and execution.

SECT. 5. *Be it further enacted*, That said corporation shall have power, from time to time, to assess on the stockholders, such sums of money, not exceeding, in the whole, three hundred dollars on each share, for the purchase, improvement and good management of their estate, and for erecting, repairing and altering buildings, or for the incidental expenses of the corporation, and to sell or dispose of the shares of any delinquent proprietor, for the payment of such assessment, in such way and manner as said corporation may, by their by-laws and regulations, determine and agree upon.

Assessments, and sale of shares for their payment.

SECT. 6. *Be it further enacted*, That in all meetings of stockholders in the said corporation, each member shall be entitled to one vote for each share held by him.

Right to vote.

SECT. 7. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said corporation, by advertising in any newspaper printed in Boston three times; the first not less than three days before the time appointed for such meeting; and the corporation, at their first meeting, and afterwards, annually, on such day as shall be established by the by-laws, shall choose a president, clerk, and such other directors or officers as they may see fit; which clerk shall be under oath; they may also agree upon the mode of calling future meetings.

First meeting.

SECT. 8. *Be it further enacted*, That all covenants or contracts which shall be made by said corporation, and all debts due from it, shall be binding on each one and all of those persons individually, who shall be stockholders in said corporation, when such contracts respectively are made, and on their respective heirs, executors and administrators, in the same manner, as if

Individual liability of stockholders.

such covenants and contracts had been made on debts contracted by such stockholder or stockholders, in his or their individual capacity.

Legislative
control.

SECT. 9. *Be it further enacted*, That this act shall continue in force twenty years from the passing thereof, after the expiration of which term the same may be repealed at the pleasure of the Legislature : *provided*, that in case of such repeal, the lands and tenements of said corporation shall be vested in the stockholders, at the time of such repeal, and their heirs, as tenants in common, in proportion to their respective interest in the premises.

SECT. 10. *Be it further enacted*, That this act may be amended, revised and terminated at the pleasure of the Legislature. [March 4, 1826.]

Chap 181.

An Act authorizing the United States to purchase a site for a Marine Hospital, in the town of Chelsea.

United States
may purchase
site for a hospi-
tal in Chelsea.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and hereby is granted to the United States, to purchase a tract of land, not exceeding ten acres, which shall be found necessary for the Marine Hospital to be built in Chelsea, in the county of Suffolk, and may hold the same during the continuance of the use and appropriation aforesaid : *provided*, that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction with the United States in and over said land, so far as that all civil and criminal process issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same way and manner, as though this consent had not been granted as aforesaid ; *and provided, further*, that all persons who may remove upon the tract of land hereby authorized to be purchased as aforesaid, shall be deemed and taken to be inhabitants of the town of Chelsea, in the same way and manner as they would have been, had they removed into any other part of said town, and shall there do the duty, and receive the same privileges as other inhabitants of Chelsea, saving that they shall not be liable to serve on juries, or do military duty. [March 4, 1826.]

Provisos.

Chap 182.

An Act concerning Juvenile Offenders, in the city of Boston.

City of Boston
may erect a
house for the
reformation of
juvenile offend-
ers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the city council of the city of Boston, be, and hereby are authorized to erect a building in said city, for the reception, instruction, employment and reformation of such juvenile offenders, as are herein after named ; or to use for these purposes the house of industry, or correction, at South Boston, or any other house or building belonging to said city, that the city council may appropriate to these uses.

Directors for
the reformation
of juvenile of-

SECT. 2. *Be it further enacted*, That the directors of the said house of industry, or such other persons as said city council shall appoint directors of said house, for the employment and re-

formation of juvenile offenders, shall have power, at their discretion, to receive and take into said house all such children who shall be convicted of criminal offences, or taken up and committed under and by virtue of an act of this Commonwealth, "for suppressing and punishing of rogues, vagabonds, common beggars, and other idle, disorderly and lewd persons," and who may, in the judgment of any justice of the supreme judicial court, sitting within and for the county of Suffolk, or of the judge of the municipal court of the city of Boston, or of any justice of the police court, within and for the city of Boston, be proper objects therefor; and upon the conviction or commitment aforesaid, of any child, in the judgment of such judge or justice, a proper object for the said house of employment and reformation, the said judge or justice, previously to declaring the sentence of the law on such child, shall cause notice to be given to the directors of the said house; and in case the said directors shall declare their assent to the admission of such child into said house, the said judge or justice shall sentence him or her to be committed to said house of employment and reformation, subject to the control of the directors thereof, in conformity with the provisions of this act.

offenders, and
their powers.

1737 ch. 51.

SECT. 3. *Be it further enacted*, That any justice or judge of either of the said courts respectively, on the application of the mayor, or of any alderman of the city of Boston, or of any director of the house of industry, or house of reformation, or of any overseer of the poor, of said city, shall have power to sentence to said house of employment and reformation all children who live an idle or dissolute life, whose parents are dead, or if living, from drunkenness, or other vices, neglect to provide any suitable employment, or exercise any salutary control over said children. And the persons thus committed, shall be kept, governed and disposed of, as hereinafter provided, the males till they are of the age of twenty-one years, and the females of eighteen years.

Courts may
sentence chil-
dren to house
of reformation.

SECT. 4. *Be it further enacted*, That the directors of said house of industry, or such other persons as said city council shall appoint directors of the institution, authorized by this act, may receive the persons sentenced and committed as aforesaid, into said institution; and they shall have power to place the persons committed to their care, the males until they arrive at the age of twenty-one years, and the females until they arrive at the age of eighteen years, at such employments, and to cause them to be instructed in such branches of useful knowledge, as shall be suitable to their years and capacity; and they shall have power to bind out said minors, as apprentices or servants, until they arrive at the ages aforesaid, to such persons, and at such places, to learn such arts, trades, and employments, as in their judgment will be most for the reformation, amendment, and future benefit and advantage of such minors. And the provisions of an act entitled "an act providing for the relief and support, employment and removal of the poor, and for repealing all former laws made for these purposes," passed the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and ninety-four,

Directors may
place children
at service.

1793 ch. 59.

contained in the fourth, fifth and sixth sections thereof, so far as they relate to binding out children as servants or apprentices, are adopted as a part of this act ; and the directors specified in this act, shall have all the powers, and be subject to all the duties, of the overseers of the poor, as set forth in the sections aforesaid, of the act aforesaid ; and the master or mistress, servant and apprentice, bound out as aforesaid, shall have all the rights and privileges, and be subject to all the duties set forth in the sections aforesaid of the act aforesaid.

Minors may be discharged.

SECT. 5. *Be it further enacted*, That whenever said directors, overseers, or managers, shall deem it expedient to discharge any minor, committed to their charge as aforesaid, and not bound out as a servant or apprentice, and shall recommend the same in writing to the court by whom such minor was committed, said court shall have power to discharge him or her from the imprisonment or custody aforesaid.

Courts may transfer children committed to the common gaol.

SECT. 6. *Be it further enacted*, That the said judge or either of the said justices, on the application of either of the persons mentioned in the third section of this act, shall have power to order the transfer of any child committed to the common gaol, or the house of correction, and inmates of the same, at the time of passing this act, to the said house for the employment and reformation of juvenile offenders, to be received, kept, or bound out by the directors thereof, in conformity with the provisions of this act.

City may establish more than one house of correction.

SECT. 7. *Be it further enacted*, That it shall be lawful for the said city council, at their discretion, to establish within said city, two or more houses of correction, to be houses of correction for the county of Suffolk ; and it shall be lawful for the mayor and aldermen of said city, to transfer persons held under sentence in either of said houses, to any other of said houses, when, in their opinion, the health, moral improvement, or beneficial employment of such persons will be promoted thereby. [March 4, 1826.] Add. act, 1829 ch. 18.

Chap 183.

An ACT to incorporate the Granite Railway Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas H. Perkins, William Sullivan, Amos Lawrence, David Moody, Solomon Willard, and Gridley Bryant, together with their associates, and such as may hereafter associate with them, and their successors, be, and they are hereby declared to be a corporation, by the name of the Granite Railway Company, for and during the term of *forty years from the passing of this act ; and by that name may sue and be sued, plead and be impleaded, and may have a common seal, and may make and establish rules, orders and by-laws not repugnant to the laws of this Commonwealth ; and may annex penalties for the breach of such rules, orders and by-laws : *provided*, the same shall not exceed ten dollars ; and may choose all officers, and appoint all agents necessary and proper to carry into effect the powers and privileges hereby created.

[*Limitation repealed, 1831 ch. 48.]

Powers.

Proviso.

SECT. 2. *Be it further enacted*, That the said corporation be, and they hereby are authorized and empowered to purchase, have, and hold land, extending from the furnace lot, so called, in the town of Quincy, and from the ledges of granite rock, situate in or near said lot, and extending thence to the tide-waters at any point within said town of Quincy, or within the town of Milton : *provided*, that if any part of said railway shall be erected or laid within the town of Milton, the assent of the said town of Milton shall be first obtained : *provided*, the land so purchased, had, and held, be situate northwestwardly of Quincy commons, so called, and of Mount Wollaston : *and provided*, also, that said land be not of greater extent in width than six rods ; and that said corporation may lay, build, and construct within the same land, any rail ways for the transportation of granite stone ; and may maintain, repair, and use such railways for and during the term of forty years aforesaid ; but the said corporation shall erect, and during said term, keep up and maintain good and sufficient gates where said railways may pass through fences existing at the time of making said railways.

Direction of
railway.

Proviso.

Width of land.

SECT. 3. *Be it further enacted*, That the said corporation may purchase, have, hold and use land, marsh, and flats, from high water mark to low water mark, and as much below the latter as may be necessary, of the width of sixteen rods, and connected with the land of six rods in width as aforesaid ; and that said corporation may continue their railways in and upon the said land, marsh and flats, and may therein dig and construct any canals, and erect any buildings, or other structures, necessary and convenient for the transportation and carrying stone, and for exercising the powers and privileges hereby given.

Flats and
marsh.

SECT. 4. *Be it further enacted*, That the said corporation are hereby authorized and empowered to take the said land of six rods in width, and the said land, marsh, and flats of sixteen rods in width, for the purposes and uses by this act intended ; and if the said corporation, and the person or persons who may be proprietor or proprietors of the land so taken, do not agree on a compensation for such land, marsh, and flats, nor on commissioners or agents for appraising the same ; and if the said corporation and any person or persons, who shall sustain any damage by the execution of the powers hereby given, do not agree in estimating the amount of such damage, nor on commissioners to estimate the same, such person or persons may apply to the court of common pleas, in the county of Norfolk, for a committee to be appointed to appraise the land, marsh, or flats taken, or to estimate the damage aforesaid, as the case may be ; and the said court shall thereupon give reasonable notice to said corporation to appear, and shew cause, why such committee should not be appointed ; and if no cause be shown, said court shall appoint a committee of three or five disinterested freeholders, being inhabitants of this Commonwealth ; and such committee shall be sworn, and shall notify both parties of the time and place of executing their commission ; and such committee

Committee may
be appointed
to estimate
damages.

Either party
may claim a
trial by jury.

shall thereupon execute the same ; and shall appraise the land, marsh, or flats, or estimate the damage, if any, or both, as the case may be ; and shall make return of their doings into the same court as soon as may be, and upon the acceptance of the report by said committee made, the court shall render judgment thereon, with reasonable costs to the party prevailing : *provided, however*, that either party, after the return of the said report, may claim a trial by jury ; and the court shall thereupon stay judgment on said report ; and a trial by jury shall be had at the bar of said court ; and if the party applying for a jury shall not obtain, in case it be the original applicant, an increase of the amount of appraisement, or of the estimate of damages, as the case may be ; or in case it be the original respondent, a decrease of the amount of appraisement, or of the estimate of damages, as may have been awarded by the committee, such party shall pay reasonable costs of the trial by jury ; otherwise, shall recover reasonable costs, and upon any judgment rendered on report of committee, or verdict of jury, the court may issue execution ; and from any judgment so rendered, neither party shall be allowed to appeal.

Tolls.

SECT. 5. *Be it further enacted*, That the said corporation shall have a right for and during the term of ten years from the passing of this act, to demand and collect a reasonable toll for the conveyance of stone and other property, in their cars and vehicles on said railways, not exceeding twelve per centum per annum on the cost of building said railways, and keeping the same in repair ; after which term, the said toll may be altered to such reasonable sum as the Legislature may by law deem fit to establish ; and any person or persons shall be entitled to have stone carried on the said cars and vehicles at pleasure, on payment of toll as aforesaid.

Railway may
cross private
or public ways.

SECT. 6. *Be it further enacted*, That if the said railways hereby authorized to be constructed, shall, in the course thereof, cross any private way, the said corporation shall so construct said railways as not to obstruct the safe and convenient use of such private way ; and if said railways be not so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same ; and shall recover his reasonable damages for such injury. And if the said railways shall, in the course thereof, cross any turnpike or other highway, the said railways shall be so constructed as not to impede or obstruct the safe and convenient use of such turnpike or highway ; and the said corporation shall have power to raise such turnpike or highway, so that said railways may conveniently pass under the same ; and if said corporation shall raise any such turnpike or highway, pursuant hereto, and shall not so raise the same as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which such highway may be situate, as the case may be, said proprietors or selectmen may require of said corporation such alteration or amendment as they may think necessary ; and if the required alteration or amendment be reasonable and

proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against the said corporation, and shall therein recover a reasonable indemnity in damages for all charges, disbursements, labor, and services, occasioned by making such alteration or amendment, with costs of suit.

Party aggrieved may have action.

SECT. 7. *Be it further enacted*, That the said Granite Railway Company may purchase, have, and hold, use and enjoy, real and personal estate, to the amount of one hundred thousand dollars in the whole; and that the corporate property shall be personal estate, and may be divided into shares not exceeding two hundred, and that the evidence of ownership in said corporate property shall be in such form of certificate under the corporate seal, and signed by such officer or officers as the said corporation may agree on.

Real and personal estate.

[Capital increased 1836 ch. 160]

SECT. 8. *Be it further enacted*, That Thomas H. Perkins, or either of the other persons herein before named, may call the first meeting of the corporation by this act created, by advertisement in one or more newspapers printed in Boston, and at that meeting, or any adjourned meeting, the said corporation may be organized, and may proceed to exercise the powers by this act given.

First meeting.

SECT. 9. *Be it further enacted*, That if the said corporation shall not have constructed and put into use, at least one of the railways by this act authorized, within three years from the passing of this act, then, and in such case, this act shall be void.

Condition of this act.

SECT. 10. *Be it further enacted*, That the Legislature may authorize, at any future time, the establishment of any other railways, within the towns of Quincy or Milton, not incompatible with the existence and convenient use of the railways by this act authorized, the powers, rights, and privileges by this act granted notwithstanding.

Legislature may authorize other railways.

SECT. 11. *Be it further enacted*, That the stockholders in said Granite Railway Company, shall at all times be liable, in their persons and estates, for all debts which shall be contracted by said corporation, in like manner, and the legal remedies for the recovery of debts shall be the same as is provided for, in and by the act, entitled "an act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto. [March 4, 1826.] Add. acts, 1831 ch. 48 : 1836 ch. 160.

Individual liability of stockholders.

1808 ch. 65.

Chap. 1.

1825 ch. 164.

Authorized to
lay out road six
rods wide.

An ACT in addition to an Act, entitled "An Act to incorporate the Proprietors of the Newburyport Bridge."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of the Newburyport Bridge be, and they are hereby authorized and empowered to lay out and make a road six rods wide, or less, as the same shall be deemed expedient, but not less than four rods wide, from said bridge, on the Salisbury side, to the county road leading to the east meeting-house in said Salisbury; the damages to be regulated agreeably to the provisions of the act to which this is in addition. [June 19, 1826.]

Chap. 2.

1813 ch. 177.

An ACT in amendment of an Act entitled "An Act to incorporate the Calvinistic Congregational Society in Sandwich, in the county of Barnstable."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the second section of the act, of which this is an amendment, be, and the same is hereby repealed. [June 19, 1826.]

Chap. 4.

An ACT to incorporate the Proprietors of Mills on the Queset and Town rivers, in the towns of Easton, West Bridgewater and Bridgewater.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Manly, John Williams, Isaac Wendell, Oliver Ames, Elijah Howard, William G. Andrews, Charles Hayden, Joel Drake, Eliphalet Mitchell, Horatio Copeland, James Guild, Calvin Brett, Nathan Lazell, Seth Johnson, Jacob Perkins, Nathan Lazell, Jr., Abisha Stetson, Increase Robinson, with their associates and successors, be, and they are hereby made a corporation and body politic, by the name and style of the Proprietors of Mills on Queset and Town rivers, with all the powers, privileges and immunities incident to a corporation aggregate; and said corporation is hereby made capable in law, of having, holding, purchasing, and taking in fee simple, by gift, grant, devise, or otherwise, such real estate, not exceeding ten thousand dollars, and such personal estate, not exceeding two thousand dollars, as shall be necessary for the purposes contemplated in this act.

Powers and
privileges.

Real and per-
sonal estate.

Corporation
may erect dams.

SECT. 2. *Be it further enacted,* That said corporation shall have full power, liberty and authority to erect and maintain on their own land, or on the land of any person, with his consent, legally obtained, such dams and sluice ways, as may be necessary or convenient for the making of a reservoir, or reservoirs, in the towns of Easton and Stoughton, for the purpose of retaining the water for the use of said corporation; and said corporation shall be subject to pay all damages that may arise to any person, by flowing his land for the purposes aforesaid, agreeably to the provision of an act, entitled "an act for the support and regulation of mills," and the several acts in addition thereto; and shall also be subject to pay all damages that may arise to any person or corporation from the diversion of said water.

Shall pay dam-
ages.

1795 ch. 74.

Penalty for in-
juring dams.

SECT. 3. *Be it further enacted,* That if any person or persons shall wilfully or maliciously take up, remove, dig under, or

otherwise injure or destroy, in any manner, said dam or dams, or sluice ways, or any part of them, or shall impede or hinder said proprietors, or their agents, in erecting, maintaining or repairing their said dams or sluiceways, or any of them, such person or persons shall forfeit and pay to said corporation a sum not less than fifty dollars, nor more than one hundred dollars, according to the nature and aggravation of the injury done or committed; and such offender shall be further liable to indictment for such trespass, and on conviction thereof shall be sentenced to pay a fine to the use of the Commonwealth, of not less than ten dollars, nor more than fifty dollars.

SECT. 4. *Be it further enacted*, That said corporation shall have a common seal, and be capable in law to prosecute and defend to final judgment and execution, any action, or other process, before any court, tribunal, or magistrate whatever, and to do and perform all such other acts and things as an aggregate corporation may, or of right can do; and they shall have power to appoint a president, clerk, and such other officers and agents, and to make such by-laws and regulations as they may find necessary: *provided*, the same are not repugnant to the laws of this Commonwealth. General powers.

SECT. 5. *Be it further enacted*, That any three of the proprietors named in the first section of this act, may call the first meeting of said corporation, to be holden at such time and place as they may judge proper, they giving two days previous notice to the other proprietors therein named. *Provided, nevertheless*, that it shall be in the power of the Legislature to repeal this act at any time after twenty years. First meeting.
Proviso.
[June 20, 1826.]

An Act to alter an Act entitled "An Act to incorporate the Liberty Square Warehouse Company."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the fifth section of an act, entitled "an act to incorporate the Liberty Square Warehouse Company," be, and the same hereby is repealed. Chap. 5.
1825 ch. 61.

SECT. 2. *Be it further enacted by the authority aforesaid*, That said corporation, at any legal meeting thereof, shall have power to apply the rents and profits of any estate of the said corporation, and the proceeds of any policy or policies of insurance, effected, or to be effected, on their estates by said corporation, to the repairing and rebuilding of any building or buildings injured or destroyed by fire or otherwise. Repeal.
Power granted.
[June 20, 1826.]

An Act in addition to an Act, entitled "An Act to establish a corporation, by the name of the Union Turnpike Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proviso in the eighth section of the act to establish a corporation by the name of the Union Turnpike Corporation, which provides that no individual proprietor shall be entitled, in any case, to more than ten votes, be, and the same is hereby repealed. Chap. 6.
1803 ch. 93.
(v. 3. p. 343.)
1805 ch. 17.
(v. 3. p. 614.)
1808 ch. 30.
1809 ch. 124.
1813 ch. 82.
1819 ch. 90.
[June 20, 1826.]

Chap. 7.

An ACT to incorporate the Congregational Society of Salisbury and Amesbury.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Horton, Joshua Aubin, Jacob Brown, John Blasdel, Junior., James Homer, Nathaniel Brown, Daniel Blasdel and Jonathan Webster, with their associates and such others as shall associate with them, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of the Congregational Society of Salisbury and Amesbury, with all the powers, privileges and immunities to which parishes and religious societies are by law entitled; and subject to all the duties and liabilities to which other religious societies are subject.

Powers and
privileges.

Real estate.

SECT. 2. *Be it further enacted,* That said society be, and hereby is authorized and empowered to receive a deed of the land which they have purchased in Amesbury aforesaid, for a site for a meeting-house, and to hold other real estate to the amount of ten thousand dollars, to sell or lease the pews in said meeting-house, and to give deeds to convey the same.

First meeting.

SECT. 3. *Be it further enacted,* That the persons named in the first section of this act, or either of them, may call the first meeting of said society, by posting up notifications of the time and place of said meeting, in some public places in Salisbury and Amesbury. [June 20, 1826.]

Chap. 8.

An ACT to incorporate the Methodist Episcopal Society of Richmond.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Peter Hackley, Aaron Hackley and William S. Leadbetter, with such others as may associate with them, being not less than ten legal voters of any parish, precinct or religious society, and their successors, be, and they hereby are incorporated into a society, by the name of the Methodist Episcopal Society in Richmond, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Powers and
privileges.

First meeting.

SECT. 2. *Be it further enacted,* That the first meeting of said society shall be convened by a warrant to be issued by any justice of the peace in the county of Berkshire, directed to any member of said society, requiring him to notify the members of said society, to meet at such time and place as shall be designated in said warrant. [June 20, 1826.]

Chap. 10.

An ACT confirming the proceedings of sundry towns in the choice of School Committees.

Powers granted
to school com-
mittees.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That every school committee which has been chosen by any town in this Commonwealth, since the first day of March, in the year of our Lord one thousand eight hundred and twenty-six, to have the general charge and superintendence of all the public schools in said town, shall have and exercise, during the time for which they were respectively chosen, all the powers, and shall

perform all the duties, provided for, in and by an act passed on the fourth day of March, in the year of our Lord one thousand eight hundred and twenty-six, entitled “an act further to provide for the instruction of youth;” any thing in said act contained to the contrary notwithstanding. [June 20, 1826.] 1825 ch. 170.

An ACT to incorporate the Worcester and Brookfield Iron Foundry.

Chap. 11.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George T. Rice, Henry W. Miller, Samuel B. Rice, Alfred Dwight Foster, Abraham Skinner, John Homans, William A. Wheeler and Joseph Pratt, with their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Worcester and Brookfield Iron Foundry, for the purpose of making and casting iron, in the towns of Worcester and Brookfield, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto. 1803 ch. 65.

Persons incorporated.

Powers and duties.

SECT. 2. *Be it further enacted,* That the said corporation may hold and possess such real estate, not exceeding in value the sum of thirty thousand dollars, and such personal estate, not exceeding in value the sum of thirty thousand dollars, as may be necessary and convenient for the purpose aforesaid. Real and personal estate.

SECT. 3. *Be it further enacted,* That any one of the persons named in this act be, and either of said persons is hereby authorized to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof to the others, either in person or writing, any thing in the second section of the “act” aforesaid, defining the powers and duties of manufacturing corporations, to the contrary notwithstanding. [June 20, 1826.] First meeting.

An ACT to incorporate the Mercantile Wharf Corporation, in the city of Boston.

Chap. 13.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Robert G. Shaw, Samuel S. Lewis, Luther Bixby, John J. Valentine, Benjamin Humphrey, and others, their associates, successors, and assigns, be and they hereby are constituted a body politic and corporate, by the name of “The Mercantile Wharf Corporation,” and the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded, to have a common seal, and the same at pleasure to break, alter and renew; to make rules and by-laws for the regulation and management of the estate herein after described, and for the prudent management of their affairs, consistent with the laws of this Commonwealth, and generally to do and execute whatever by law does or may apper- Powers.

Persons incorporated.

tain to bodies politic and corporate, within the meaning and intent of this act.

Real estate described.

SECT. 2. *Be it further enacted*, That the said corporation be, and the same hereby is declared and made capable in law, to have, hold and possess, by fee simple, lease-hold, or otherwise, all or any part of that certain real estate, situate in said Boston, bounded as follows :—northwesterly by Ann street, southwesterly on the southwesterly side of the Mill creek and the City wharf, southeasterly by Long wharf, and that line continued to the channel, and northeasterly by the channel and the northeasterly side of Lewis' wharf, together with all the rights, privileges, and appurtenances thereof: *provided*, the lawful proprietors thereof shall legally convey the same to said corporation; and the said corporation shall have power to sell, grant, and alien in fee simple, or otherwise convey, their corporate property, or any part thereof, within said described limits, and to lease, manage and improve, build, rebuild, pull down, or alter the same; also to remove, construct, erect, repair, or alter any buildings, wharf, or wharves, docks, streets or passage-ways, within said limits, according to their will and pleasure, by such forms of conveyances and contract as shall by their by-laws be provided.

Power to manage said estate.

Number of shares.

Transfer and attachment of shares.

SECT. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the forms of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation in a book to be kept for that purpose; and shall be liable to attachment on mesne process, and sale on execution, in the same manner, and according to the form of the statutes making provision for the attachment and sales [*sale*] of shares of debtors in corporate companies.

Corporate property liable to attachment and execution.

SECT. 4. *Be it further enacted*, That the real estate, and other property of said corporation shall be liable to be attached on mesne process, and to be set off and sold on execution against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process; and the said corporation shall possess the right in equity of redeeming the same appertaining (by the laws of this Commonwealth) to other real estate.

Assessments, and sale of shares to pay the same.

SECT. 5. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole three hundred dollars on each share, for the purchase, improvement and good management of their estate, and for removing, constructing, erecting, repairing or altering any buildings, wharf or wharves, docks, streets, or passage-ways on the land within said described limits, or for the incidental expenses of the said corporation, or for the improvement and management of the corporate estate, agreeably to the true intent of this act; and in case any proprietor shall refuse or neglect to pay any assessment, the said corpora-

tion may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction to the highest bidder, after thirty days notice to be given, by publication thereof, in one or more newspapers printed in said Boston; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to receive a certificate of the same.

SECT. 6. *Be it further enacted*, That in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation. But no one proprietor shall ever be entitled to more than twenty votes: *provided, always*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two-thirds at least, in number, of votes of those present or represented at said meeting, nor unless public notice shall have been given at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in said Boston; proprietors may appear and act by proxy in writing, at any meeting. Right of voting.

SECT. 7. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said corporation, by advertisement in any newspaper printed in said Boston, three times, the first to be not less than six days before the time appointed for such meeting; and the corporation, at their first meeting, and afterwards annually, on such days as shall be established by the by-laws, may choose a president, clerk, and such other directors or officers as they may see fit, for conducting their corporate affairs and estate; the clerk to be sworn before entering on the duties of his office. First meeting.

SECT. 8. *Be it further enacted*, That said corporation shall continue and be in force for the term of twenty years from the time of the passage of this act, unless sooner repealed by the Legislature. [*June 20, 1826.*] Legislative control.

An Act to establish the boundary line between the towns of South Hadley and Granby in the county of Hampshire.

Chap. 14.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the boundary line between the towns of South Hadley and Granby, in the county of Hampshire, shall forever be known, fixed, and established as follows, viz:—beginning at a pine tree, now a boundary between said towns, standing in the northerly line of the town of Springfield, thence running north seven degrees west to Stony brook, then down said brook on the line of 1768, until it intersects a line running from said pine tree, north eleven degrees west, to Church's road, thence on said line of north eleven degrees west to Church's road, thence running north, five degrees twenty-nine minutes east, six hundred and ten rods, to the county road leading from South Hadley meeting-house, over Mount Holyoke, to the town of Amherst, passing west of the dwelling-house of Eleazer Nash and Nathaniel Nash, between the house lot of said Nashes, and the lot

Boundary line.
[Altered by St.
1827 ch. 8.]

of Seth Moody, where the corners of said lots meet on said road, to the north side of the same road, thence following said road on the north and westerly side thereof to the southerly line of Amherst. The said town of South Hadley being on the westerly side of said line, and the town of Granby being on the easterly side of said line. And the above described line shall forever hereafter be fixed and established to be the true boundary line between the said towns, in all respects, and to all intents and purposes, any law or usage to the contrary notwithstanding. [June 20, 1826.] Add. act, 1827 ch. 8.

Chap. 15. An Act in addition to an Act, entitled "An Act to incorporate the Congregational Church and Society of Pitts Street, in Boston."

1825 ch. 13.

Name changed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the name of the Congregational Church and Society of Pitts Street, in Boston, shall be changed, and the said corporation shall take, and ever after bear the name of the Congregational Church and Society of Green Street, in said Boston. [June 20, 1826.]

Chap. 16. An Act in addition to an Act, entitled "An Act to erect Derby School, in the North Parish in Hingham, into an Academy, by the name of Derby Academy."

1797 ch. 9.

(v. 2, p. 166.)

1784 ch. 32.

(v. 1, p. 80.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the sixth section of an act, passed on the eleventh day of November, in the year of our Lord one thousand seven hundred and eighty-four, entitled "an act for establishing a school in the North Parish of Hingham, by the name of the Derby School," and for appointing and incorporating trustees of the said school, as provides that the principal preceptor of the said school, for the time being, shall always be one of the said trustees, be, and the same is hereby repealed. [June 20, 1826.]

Chap. 17. An Act in addition to an Act, passed in the year of our Lord one thousand eight hundred and twenty-five, entitled "An Act to establish the Third Congregational Precinct in Rochester, Middleborough, and Freetown."

1825 ch. 41.

1792 ch. 66.

(v. 1, p. 430.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act to which this is in addition shall have the same force and effect, to all intents and purposes, as if the title had been "an act in addition to an act, entitled an act to incorporate a number of the inhabitants of the towns of Rochester and Middleborough, in the county of Plymouth, and of Freetown, in the county of Bristol, into a separate precinct, by the name of the Congregational Precinct in Rochester, Middleborough, and Freetown;" and that the first section of said act have the same effect as if the word "third" were not in the same.

Receipts of trustees conclusive discharge.

SECT. 2. *Be it further enacted,* That any receipt given by the trustees of said precinct, or a quorum of them, shall be a conclusive discharge for any donation, claim or demand given, bequeathed or due to said precinct. [June 20, 1826.]

AN ACT to incorporate the First Universal Society in Duxbury.

Chap. 19.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Wait Wadsworth, James Weston, Jr., Joseph P. Bosworth, William Sampson, and Henry B. Sampson, and all other persons who now are, or hereafter may be, associated with them, and their successors, shall be, and they hereby are created and established as a religious society and body politic and corporate, by the name of the First Universalist Society in Duxbury, with all the powers, privileges, and immunities, and subject to all the liabilities of parishes and other religious societies, according to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the said society shall have power, at their annual meeting, to assess all such sums as may be necessary for the maintenance of public worship, the repairs and preservation of the church, and other parochial charges and expenses; and shall have power to determine the mode of assessing said taxes, either upon the pews in the church of said society, according to their relative value, to be ascertained by the first sale of each pew, or upon the rateable polls and estates, both real and personal, of the individual members of said society, in the same manner, and with equal powers for collecting the same, as in other cases is by law provided; and when it may be determined to assess the taxes on the pews, the taxes so assessed shall be a lien against or on the same, and in case of non-payment of the taxes so assessed, for the space of two years from the time of assessing said taxes, the pew or pews upon which the tax or taxes shall have been assessed, shall be forfeited to the society, and may be sold at public auction in such manner as the society may by their by-laws and regulations provide; and the nett proceeds of the same, after deducting the amount of taxes due thereon, with the charges of sale, shall be paid to the proprietor of the pew so sold, or to his assigns; and the society shall have full authority to convey to the purchaser of any pew so sold, a good and valid title of the same.

Assessment of taxes.

Sale of pews to pay taxes.

SECT. 3. *Be it further enacted,* That said society may hold and possess, by grant, gift, devise, or otherwise, real and personal estate, for the purpose of supporting public worship and other religious, parochial, and charitable purposes, not exceeding the annual income of five thousand dollars.

Real and personal estate.

SECT. 4. *Be it further enacted,* That the first meeting of said society may be called by either of the persons named in this act, by a written notification, put up at the meeting-house of the First Universalist Society in Duxbury seven days before the time of holding said meeting. [June 20, 1826.] Add. act, 1834 ch. 35.

First meeting.

AN ACT to incorporate the Lynn Institution for Savings.

Chap. 20.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Batcheller, Henry A. Breed, Heze-

Persons incorporated.

kiah Chase, Isaac Story, Josiah Newhall, John Alley, 3d., James Pratt, Isaiah Breed, Amos Rhodes, Stephen Smith, Jr., Legree Johnson, Henry Newhall, John Pratt, William B. Breed, James Oliver, William Rhodes, Samuel T. Huse, Robert W. Trevett, Zachariah Atwill, Jr., John Caldwell, Richard Hazeltine, Benjamin Massey, Jonathan Corner, Jesse Rice, Sylvester C. Parkhurst, Daniel N. Breed, Ezra Mudge, and Samuel P. Page, together with such other persons as shall be duly elected members of said corporation, in the manner which is in this act provided, be, and they hereby are, constituted a corporation and body politic, by the name of the Lynn Institution for Savings, and shall so continue for the term of twenty years.

Corporation
may receive de-
posits.

SECT. 2. *Be it further enacted*, That said corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions herein mentioned and provided.

Income of de-
posits.

SECT. 3. *Be it further enacted*, That all deposits of money received by the said corporation, shall be by the same used and improved to the best advantage; and the income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors, administrators, or assigns, in just proportion, and the principal of such deposits may be withdrawn, at such times, and in such manner, as said corporation shall direct and appoint.

Power to elect
members.

SECT. 4. *Be it further enacted*, That said corporation may, at any legal meeting, have power to elect, by ballot, any other person or persons as members of said corporation.

Common seal.

SECT. 5. *Be it further enacted*, That the said corporation may have a common seal, which they may change or renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements, made by their treasurer, or any other person, by their authority and direction, shall be good and valid; and the said corporation shall, at all times, have power to sue and be sued, and may defend, and shall be held to answer by the name aforesaid.

Annual meet-
ing.

SECT. 6. *Be it further enacted*, That the said corporation shall hereafter meet at Lynn, some time in the month of January, annually, and as much oftener as they may judge expedient; and any seven members of the said corporation, the president, secretary, or treasurer being one, shall be a quorum; and the said corporation, at their meeting in January annually, shall have power to elect and choose a president, and all other such officers, as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others are chosen in their room; and all officers so chosen shall be under oath to the faithful performance of the duties of their offices respectively.

Quorum.

Election of of-
ficers.

By-laws.

SECT. 7. *Be it further enacted*, That the said corporation hereby are vested with power of making laws for the more order-

ly managing the business of the corporation : *provided*, the same are not repugnant to the constitution or laws of this Commonwealth.

SECT. 8. *Be it further enacted*, That either of the persons named in the first section of this act may call the first meeting of said corporation, by public notification in the Lynn newspaper, at such time and place as he shall judge proper. First meeting.

SECT. 9. *Be it further enacted*, That the officers and agents of the said institution shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto ; and shall submit to be examined by them concerning the same under oath. And the Legislature may, at any time, make such further regulations for the government of said institution, as they may deem expedient ; and may alter and amend or repeal this act at pleasure. [*June 20, 1826.*] Legislative examination and control.

An Act authorizing the Selectmen of Charlestown to appoint a company of Hook and Ladder Men, and additional Engine Men.

Chap. 21.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the selectmen of the town of Charlestown, in the county of Middlesex, be, and they hereby are, authorized and empowered to appoint a company of hook and ladder men, consisting of not more than forty, whose duty it shall be, under the direction of the firewards in said town, to attend fires therein with fire-hooks, fire-sails and ladders, and to be subject to such further duties, and organized and provided in such manner, as the said selectmen shall, from time to time, direct. Selectmen may appoint a company of hook and ladder men.

SECT. 2. *Be it further enacted*, That the said selectmen be authorized and empowered to appoint any number of engine men, not exceeding thirty-five, in addition to the number they are authorized to appoint by existing laws ; and the engine men so appointed may be attached to any new engine company, which may be hereafter formed, or apportioned among any of the engine companies of said town, at the discretion of the selectmen ; and all persons appointed to any company, pursuant to the provisions of this act, shall continue in office during the pleasure of said selectmen, and be entitled to all the privileges and exemptions to which engine men now are, or may hereafter be by law entitled. May appoint additional engine men.

SECT. 3. *Be it further enacted*, That the resolve authorizing the selectmen of Charlestown to appoint additional engine men, passed December seventh, one thousand eight hundred and sixteen, be, and the same is hereby repealed. [*June 20, 1826.*] Repeal.

An Act to incorporate the Winchendon Woollen Manufacturing Company.

Chap. 23.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Sylvanus Holbrook, Isaac Livermore, and Persons incorporated.

James C. Dunn, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, made, and constituted a body politic and corporate, by the name of the Winchendon Woollen Manufacturing Company, for the purpose of manufacturing woollen cloths, of various kinds, in the town of Winchendon, in the county of Worcester, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Powers and duties,

1808 ch. 65.

Common seal.

SECT. 2. *Be it further enacted*, That the said corporation shall and may sue, and be sued, plead and be impleaded, defend and be defended, in any court or place whatsoever, by their corporate name aforesaid; and shall have power to make, have and use a common seal, and the same at pleasure to break, alter and renew.

Real and personal estate.

SECT. 3. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate not exceeding in value the sum of one hundred thousand dollars, as may be necessary and convenient for the purposes of this incorporation.

First meeting.

SECT. 4. *Be it further enacted*, That any one of the persons named in this act, be, and either of said persons hereby is, authorized to appoint the time and place for holding the first meeting of the said corporation, giving ten days notice thereof to the others, either in person or writing, any thing in the second section of the act aforesaid, defining the general powers and duties of manufacturing corporations to the contrary notwithstanding. [June 20, 1826.]

Chap. 24.

An Act to authorize the building a bridge over the North River, between the towns of Hanover and Pembroke.

Commissioners of Highways authorized to lay out highway, and build a bridge.
1825 ch. 171.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Commissioners of Highways for the county of Plymouth, when appointed, pursuant to the provisions of an act entitled "an act in addition to an act directing the method of laying out highways," passed March 4th, 1826, be, and hereby are, authorized and empowered to lay out a public highway across the North River, and build a bridge over the same; between the towns of Hanover and Pembroke, the same being navigable water, not exceeding ten rods below the present bridge over said river, between said towns, in case said commissioners, after a full hearing, shall be of the opinion that the public good requires it.

Width of bridge.

SECT. 2. *Be it further enacted*, That if the said commissioners shall lay out said road, and cause said bridge to be built, said bridge shall not be made of a less width than twenty-five feet between the abutments. [June 20, 1826.]

An Act in addition to an Act, entitled, "An Act in addition to an Act to incorporate the President, Directors and Company of the Merchants' Bank in Salem."

Chap. 25.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further period of nine months, from and after the first Monday of June current, be, and hereby is allowed to the members of said corporation, for the payment of the addition to its capital stock, authorized by the act to which this is in addition. [June 20, 1826.] Add. act, 1830 ch. 58.

1824 ch. 9.

Further time allowed for paying in capital stock.

An Act to establish a corporation by the name of the Pigeon Cove Pier Company in Gloucester.

Chap. 26.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Wheeler, Daniel W. Tuttle, Abraham Lurvey, Nehemiah Knowlton, William Pool, Walter Knowlton, with such other persons as have, or may hereafter associate with them, their successors or assigns, shall be, and hereby are made a corporation by the name of the Pigeon Cove Pier Company, in the town of Gloucester, in the county of Essex, for the purpose of erecting and maintaining a stone pier, at Pigeon Cove, so called, in said town of Gloucester, and by that name may sue and be sued, may plead and be impleaded, and shall appear and prosecute and defend, in all actions or suits, for or against them unto final judgment, execution and satisfaction : and they may have and use a common seal, and shall be capable in law to take and hold by devise, purchase, or otherwise, real estate, and to make and execute conveyance of real estate : *provided*, that the whole of the real estate which the said company may at any one time hold and possess, in their corporate capacity, shall not exceed in value twenty thousand dollars.

Persons incorporated.

Powers and privileges.

Real estate.

SECT. 2. *Be it further enacted,* That the said pier shall be located on the main land, on the south west side of Pigeon Cove, running north-easterly one hundred and sixty-four feet, and ending at low water mark ; and said pier shall be one hundred feet wide, and built of stone and other materials.

Location of pier.

SECT. 3. *Be it further enacted,* That the said petitioners, or either of them, may call the first meeting of the said corporation by advertising and posting up a notification thereof at one or more of the insurance offices in said town of Gloucester, at least ten days before the day of meeting ; and at that, or any other legal meeting, the said corporation may agree on a mode of calling future meetings ; and they may elect a president, trustees, clerk, and such other officers as they judge necessary for the orderly conducting their affairs, and the prudent management of their estate ; and such officers, at their pleasure, may change or remove ; and at all their meetings the said proprietors present may vote according to their interests respectively, in said property, allowing one vote to each share : *provided, however*, that no person shall have more than five votes, and absent proprietors may vote by proxy in writing. And the said proprietors may, at any legal meeting, adopt such by-laws, rules,

First meeting.

Right of voting.

By-laws.

and regulations, as they may judge necessary and convenient for the orderly management of their affairs : *provided*, they be not repugnant to the constitution and laws of this Commonwealth.

Shares considered as personal estate.

SECT. 4. *Be it further enacted*, That the share or shares of each proprietor in the said corporate property shall be considered, and held to be, in all respects, personal estate, and shall be transferred in such manner as the proprietors, in their by-laws, shall provide and direct. And the shares of any proprietor in said pier company may be attached on *mesne process*, or taken and sold on execution, in the manner pointed out by an act entitled “an act directing the mode of attaching on *mesne process*, and selling by execution, shares of debtors in incorporated companies.”

1804 ch. 83.

Legislative control.

SECT. 5. *Be it further enacted*, That this act may be altered, amended, or repealed, at the pleasure of the Legislature. [June 20, 1826.]

Chap. 28.

An ACT to incorporate the Boston Glass Bottle Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Charles Wade, Thomas Haskins, and William Underwood, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, made a corporation by the name of the Boston Glass Bottle Manufacturing Company, for the purpose of manufacturing bottles, and other glass ware, in the city of Boston, in the county of Suffolk; and for that purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Powers and privileges.

1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding in value the sum of forty thousand dollars, and such personal estate, not exceeding in value, the sum of sixty thousand dollars, as may be necessary and convenient for carrying on the manufacture of bottles in the city of Boston aforesaid. [June 20, 1826.]

Chap. 29.

An ACT in addition to an Act entitled “An Act to incorporate the Salem Mill Dam Corporation.”

1825 ch. 148.

Authorized to reduce the width of gate-way.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Salem Mill Dam Corporation, be, and they hereby are authorized to make the gate-way in the channel of the river mentioned in the act to which this is in addition, of the width of twenty-five feet, instead of twenty-six feet, any thing in said act to the contrary notwithstanding. [June 20, 1826.]

An ACT to incorporate the First Universalist Society in Plympton.

Chap. 30.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Randall, Isaac Loring, 2d., Ellis Wright, Isaac Wright, Jr., Melzar Loring, Jr., Robert B. Loring, Southworth Wright, Daniel D. Wright, Isaac Wright, John Bisbee, Peleg Wright, together with such others as may hereafter associate with them, be and they hereby are incorporated into a society by the name of "the First Universalist Society in Plympton" with all the privileges, powers and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth, and subject to all the duties and liabilities of the same.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That any justice of the peace of the county of Plymouth, be, and is hereby authorized, to issue his warrant, directed to any member of said society, requiring him to warn the members of said society to meet at a suitable time and place to be appointed in said warrant, then and there to elect such officers for the management of the affairs of said society as they shall see fit, and transact such other business as may be deemed necessary. [June 20, 1826.]

First meeting.

An ACT to incorporate the Wattuppa Reservoir Company.

Chap. 31.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Anthony, Nathaniel B. Borden, Oliver Chase, and Bradford Durfee, and their associates, successors and assigns, be, and they hereby are constituted a corporation and body politic, by the name of the Wattuppa Reservoir Company, for the purpose of constructing a reservoir of water in the Wattuppa Ponds, so called, in the town of Troy, in the county of Bristol, for the benefit of the manufacturing establishments, on Fall River; and, for this purpose, shall have all the privileges and immunities, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, "entitled an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

Privileges and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That said corporation shall have power to make reserves of water in the Wattuppa Ponds, so called, by erecting a dam across the outlet of said ponds, in the town of Troy, in the county of Bristol, so as to raise the water in said ponds, two feet higher than the dam already erected by the Troy Cotton and Woollen Manufactory in said town of Troy, and to draw off said reserved water in such quantities, at such times, and in such manner, as they shall judge to be most for the interest of all concerned.

Authorized to raise ponds.

SECT. 3. *Be it further enacted,* That the said corporation is authorized to acquire, by purchase or otherwise, and to hold and possess, such real estate, not exceeding in value ten thou-

Real and personal estate.

sand dollars, and such personal estate, not exceeding in value five thousand dollars, as may be necessary to effect the purposes aforesaid.

Shares.

SECT. 4. *Be it further enacted*, That the capital stock of said corporation shall be divided into one hundred shares, to be held, assessed and alienated agreeably to the by-laws of the corporation ; and said by-laws shall not be adopted nor amended without the unanimous consent of all the proprietors, any thing contained in an act entitled “an act defining the general powers and duties of manufacturing corporations” to the contrary notwithstanding.

By-laws.

Damages.

SECT. 5. *Be it further enacted*, That if said corporation, in effecting the purposes aforesaid, shall become liable for damages to any person by flowing, such damage shall be ascertained, and shall be paid by said corporation, according to the provisions of an act entitled “an act for the support and regulation of mills,” and the several acts in addition thereto. [June 20, 1826.]

1795 ch. 74.

Chap. 32.

An ACT to change the names of the several persons therein mentioned.

Names
changed.
Suffolk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Thompson, a minor, son of Alice Bently of Boston, may take the name of Samuel Bently ; that Samuel Brooks late of Salem, scrivener, may take the name of Samuel Mitchell Waring Brooks ; that John Cass, late of New Hampshire, may take the name of John Carr Cass ; that Samuel Conant may take the name of Samuel Williams Conant ; that Ebenezer Dyer may take the name of Ebenezer Elms Dyer ; that Mable C. Ellis may take the name of Mary Ann Ellis ; that Wendell Moreno may take the name of George Wendall Lloyd ; that Michael Myron, a minor, may take the name of his father, William Myron ; that Jacob Rogers may take the name of Jacob Abner Rogers ; that Robert Steele, trader, may take the name of James Robert Steele ; all of Boston, in the county of Suffolk :—that

Essex.

Judith Dole Bartlett, of West Newbury, may take the name of Caroline Judith Bartlett ; that George Brown Very, of Salem, may take the name of George Brown ; that Joseph Clements, of Newburyport, may take the name of Joseph Warren Clements ; that John Fettyplace, of Salem, a minor, may take the name of Thomas John Fettyplace ; that Richard Tink, of Manchester, master mariner, may take the name of Richard Trask ; that Abigail his wife, may take the name of Abigail H. Trask ; and also, that their three children, being minors, may take the name of Trask, viz. that Richard T. Tink may take the name of Richard T. Trask ; that Mary Abigail Tink may take the name of Mary Abigail Trask ; and that Charles H. Tink may take the name of Charles H. Trask ; that Hugh Judge Alley, of Lynn, may take the name of Elbridge D. Warren ; all of the county of Essex :—that William Howard Cades, of Charlestown, husbandman, may take the name of William Cades Howard ; that Israel Newhall

Middlesex.

Peese, of South Reading, cordwainer, may take the name of Israel Newhall; that Greenleaf Henderson Pees, of said South Reading, may take the name of William Newhall; that Harriet Burnham, of South Reading, may take the name of Mary Rayner Burnham; all of the county of Middlesex:—that Sylvester Sage Arnold, of Braintree, may take the name of George Washington Arnold; that Noah Fiske, of Dover, may take the name of Noah Allen Fiske; both of the county of Norfolk:—that Jennings Bowen, of Leicester, tanner, may take the name of George Bowen; that Lois Whiting, of Barre, may take the name of Ann Louisa Whiting, both of the county of Worcester:—that Betsey Caswell, of Middleborough, in the county of Plymouth, may take the name of Betsey Jones; and that her two children, being minors, may also take the name of Jones, viz. Ebenezer Jones Caswell may take the name of Ebenezer Jones, and that Paul Lewis Caswell may take the name of Paul Lewis Jones:—that James Lawrence, a minor, of Sandwich, in the county of Barnstable, may take the name of James Lawrence Percival; and that Zadock Norton, of Edgartown, in the county of Dukes, tailor, may take the name of Francis Adlington. And the said several persons herein named shall hereafter be called and known by the names which, by this act, they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names. [June 20, 1826.]

AN ACT to incorporate the New Universalist Society in Salem.

Chap. 33.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Holten J. Breed, Nathaniel Frothingham, James Moody, James Ropes and Joseph Tufts, Jun., and such persons as now are, or hereafter may be associated with them, not being less than the number of ten legal voters, qualified to vote in any parish, precinct, or religious society, be, and they hereby are incorporated into a religious society, by the name of the New Universalist Society in Salem, with all the privileges, powers and immunities to which religious societies are entitled by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That the said corporation may purchase and hold any lot of land for their use as a site for a meeting-house, and such other estate, real and personal, as the corporation shall determine to own: *provided, however,* that the whole estate of the said corporation, exclusive of the meeting-house and land appurtenant thereto, shall not exceed the sum of five thousand dollars.

SECT. 3. *Be it further enacted,* That the said corporation be, and they hereby are authorized to raise, by an assessment on the pews in their meeting-house, such sums of money for the settlement and maintenance of a minister or ministers, for the building or purchase of a meeting-house, and for the purchase of such lot of land and other estate as aforesaid, and for the building and repairing of such meeting-house, and for defraying the other

expenses of public worship, and such incidental charges as the said corporation shall agree upon at any legal meeting to be called for the purposes aforesaid. And if any proprietor or proprietors of such pew shall neglect to pay any assessment legally made as aforesaid, for one year after the same shall have been made, the treasurer of said corporation, for the time being, shall be authorized to sell and convey all the estate, share and interest of such delinquent proprietor or proprietors in the said corporation, at public auction, first giving notice thereof, fourteen days at least previous to the sale, by posting up a notification thereof at one of the doors of said meeting-house; and upon such sale to execute a good and sufficient deed or deeds thereof to the purchaser or purchasers; and after deducting the amount of such delinquent proprietor or proprietors' assessment and interest thereon, and all incidental costs and charges, the said treasurer shall pay the surplus, if any, to such delinquent proprietor or proprietors.

Treasurer authorized to sell delinquent proprietors' pews.

First meeting.

Choice of officers.

Right of voting.

Annual meeting.

SECT. 4. *Be it further enacted*, That any three or more of the persons above named be, and they hereby are authorized to call the first meeting of said corporation, by posting a notification at one of the doors of said meeting-house, requiring the members of said corporation to meet at such time and place as shall be therein set forth, to choose a clerk, who shall be sworn to the faithful discharge of his duty, a treasurer, and a committee, and such other officers as they shall judge necessary; and the committee appointed at that or any other meeting of said proprietors legally called for that purpose, shall have authority to assess and apportion on the pews in said meeting-house, by such a valuation as the said corporation shall, from time to time, determine, all such sums of money, as the said corporation shall agree to raise; and shall also be authorized to execute and deliver, in the name and behalf of said corporation, deeds of the pews in said meeting-house. And the said corporation may, at the meeting aforesaid, agree upon the manner of calling future meetings, and may also act upon any other business, of which notice shall be given in the notification aforesaid; and at all meetings aforesaid, the proprietor or proprietors of said pews shall be allowed one vote and no more for every pew.

SECT. 5. *Be it further enacted*, That there shall be an annual meeting of the society, on such day as shall be prescribed by the by-laws of said corporation, at which annual meeting, or any other meeting duly called, the said society may choose their officers, who shall hold their office during one year, and until others are chosen in their stead. [June 20, 1826.]

Chap. 34.

An Act to incorporate the Proprietors of the First Congregational Meeting-house in Lowell.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That D. H. Mason, William Davidson, Jesse Fox, Joshua Tucker, William Gardner, Junior, Andrew B. Eaton, John Fisher, Timothy Frye, Josiah Coburn, and others, who have associated, or may hereafter associate with them, for the

purpose of building a meeting-house, their successors and assigns, be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the First Congregational Meeting-house in Lowell, and by that name may sue and be sued, and may have and use a common seal, and may ordain and establish such by-laws and regulations, as to them may seem necessary and convenient for the government of said corporation: *provided*, such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth. Powers.

SECT. 2. *Be it further enacted*, That the said corporation may purchase and hold real and personal estate, the annual income of which, exclusive of the meeting-house and land under the same, shall not exceed one thousand dollars, and shall divide their estate into shares, the number of which shall not be less than one hundred, nor more than two hundred; and may make and impose all necessary assessments on such shares: *provided*, that this section may be modified or repealed at any time hereafter, if in the opinion of the Legislature it shall be deemed expedient. Estate, real and personal.
Shares.
Proviso.

SECT. 3. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment legally made upon his share or shares to the treasurer of said corporation, within thirty days after the same shall be made payable, the said treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, after posting notice of the time, place and cause of such sale, at two or more public places in Lowell, and also on said meeting-house door, whenever such house shall have been erected, at least thirty days previous to such sale, to execute deed or deeds thereof to the purchaser or purchasers, and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was payable, and necessary incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor; or the said treasurer may sue and prosecute to final judgment and execution any such delinquent proprietor for any tax or assessment due and payable on any share or shares of such delinquent proprietor. Assessments.
Treasurer authorized to sell pews of delinquent proprietors.

SECT. 4. *Be it further enacted*, That there shall be an annual meeting of said proprietors after the present year, on the second Monday in March, at which they shall elect by ballot, a president, clerk, treasurer and five trustees, of whom the president shall be one, and the treasurer and clerk shall be sworn to the faithful discharge of their respective trusts; and at such meeting each proprietor, or his agent duly authorized in writing, shall be entitled to as many votes as he holds shares: *provided*, that no one person shall be entitled to more than ten votes. Annual meeting, and election of officers.
Right of voting.

SECT. 5. *Be it further enacted*, That it shall be the duty of the clerk of said corporation to keep a record of all the proceedings of said corporation, and of all shares and transfer of shares thereon, and to grant certificates thereof to said proprietors, and Clerk's duty.

the shares may be transferred under the hand and seal of the proprietors on the back of such certificate.

First meeting. SECT. 6. *Be it further enacted*, That any justice of the peace, in the county of Middlesex, be, and he hereby is authorized to issue his warrant to some one of the said proprietors, for the purpose of calling the first meeting, to elect officers and organize said corporation, at such convenient time and place as he shall direct, at which meeting said proprietors may agree upon the manner of calling and notifying future meetings. [June 20, 1826.]

Chap. 35. An ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Suffolk Bank."

1817 ch. 92. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Suffolk Bank be, and hereby are authorized and empowered to increase their present capital stock, by an addition of two hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid, in such instalments and at such times, as the president and directors of said bank may direct and determine: *provided, however*, that the whole amount shall be paid in, on or before the first Monday of October next.

Proviso. SECT. 2. *Be it further enacted*, That the additional stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions as the present capital stock of said corporation is now subject, by virtue of the act to which this is in addition. [June 20, 1826.] Add. act, 1830 ch. 58.

Chap. 36. An ACT to incorporate the Boston Brewery Company.

Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William B. White, Samuel R. Allen, and George M. Gibbens, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Boston Brewery Company for the purpose of manufacturing malt liquors in all their varieties, in the city of Boston, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord [one thousand] eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Powers and duties. 1808 ch. 65. SECT. 2. *Be it further enacted*, That said corporation may hold and possess such real estate, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be found necessary and convenient for carrying on the manufacture of malt liquors in the city of Boston. [June 20, 1826.]

Real and personal estate.

An Act authorizing the United States to purchase a site for two Light-houses within this Commonwealth.

Chap. 38.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and hereby is granted to the United States, to purchase a tract of land, being not more than four acres, on Long Point, in the town of Provincetown, and four acres on Sandy Neck, in the town of Barnstable, for the purpose of erecting light-houses on the same: *provided*, that this Commonwealth shall retain, and does hereby retain, a concurrent jurisdiction with the United States, in and over the said land, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid: *provided, further*, that all persons who may remove upon said tract of land in the town of Provincetown, and also upon said tract of land in the town of Barnstable, the jurisdiction over each of which is hereby granted to the United States, shall be deemed and taken to be inhabitants of the town of [to] which such tract of land respectively appertains, in the same way and manner as they would have been had they removed into any other part of either of said towns, and shall there do the duty, and receive the same privileges as other inhabitants, saving that they shall not be liable to serve on juries, or do military duty. [June 20, 1826.]

Sites for Light-houses in Provincetown and Barnstable ceded to United States.
Proviso.

An Act authorizing an extra term of the Court of Sessions in the county of Essex.

Chap. 39.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be an extra term of the Court of Sessions at Ipswich, in said county, on Tuesday the sixteenth day of January current, and that the justices of said court be, and they are hereby empowered to act upon all such subjects as may then be brought before them, in the same way and manner as at any stated term thereof: *provided*, that any matters now pending in said court shall be proceeded in, heard and determined, as if this act had not been passed. [Jan. 8, 1827.]

Extra term.

Proviso.

An Act to incorporate the New-England Lace Manufacturing Company.

Chap. 40.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Manning, Ammi Smith, John Clark, their associates, successors, and assigns, shall be, and they are hereby constituted a body politic and corporate, by the name of the New-England Lace Company, and by that name may sue and be sued, plead and be impleaded, defend and be defended in any court of record, or in any place whatever, and shall and may do and suffer all matters, acts and things which bodies politic ought to do and suffer, and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and the said company shall have all the powers and priv-

Persons incorporated.

Powers and
duties.
1808 ch. 65.

ileges, and be subject to all the duties contained in an act, entitled “an act defining the general powers and duties of manufacturing corporations,” passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and all other acts in addition thereto.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the said corporation in their corporate capacity, shall, and may lawfully hold and possess such real estate, not exceeding in value thirty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of lace, and of cotton, woollen and linen goods.

First meeting.

SECT. 3. *Be it further enacted*, That the said Thomas Manning, or either of the aforementioned persons, is hereby authorized to call the first meeting of the said corporation, by written notice, left at the place of abode of each proprietor; or by letter addressed by mail, at least seven days previous to said meeting; at which first meeting, the proprietors present shall choose a clerk, who shall be sworn to the faithful discharge of his duties. [Jan. 17, 1827.]

Choice of clerk.

Chap. 41.

1809 ch. 35.
1810 ch. 3.
1811 ch. 3.
1813 ch. 1.
1816 ch. 54.
1821 ch. 36.

Further time al-
lowed to pay in
last instalment
of capital stock.

An Act in further addition to an Act, entitled “An Act to incorporate Nicholas Thorndike and others, into a company by the name of the Beverly Marine Insurance Company.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That such further time, not exceeding two years, from and after the twentieth day of June next, be allowed to the stockholders in the Beverly Marine Insurance Company, to pay in the residue, being the last moiety of the instalments; and amounting in all, to fifty dollars on a share in the capital stock of the said company; and that the said residue shall be paid in at such times, and in such proportions, as the said directors shall order and appoint, within the period aforesaid: *provided, however*, that nothing in this act shall be construed to exonerate, or discharge the estates of the said stockholders from being liable in the manner and for the purposes mentioned in the tenth section of the said original act. [Jan. 20, 1827.]

Proviso.

Chap. 42.

Persons incor-
porated.

An Act to incorporate the Proprietors of the First Universalist Church in Nantucket.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Aaron Mitchell, Gardner Coffin, Elisha Starbuck, Robert F. Parker, Henry Gardner, 3d, Samuel B. Tuck, Henry M. Pinkham, Samuel H. Jenks, Benjamin Pike, Peter Chase, Benjamin Worth, John R. Macy, George Brown, David Coffin, 2d, Joseph T. Worth, Eben W. Tallant, Zenas Coleman, James Stiff, John W. Olin, Nathaniel Tallant, John B. Nicholson, and William Lawrence, be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the First Universalist Church in Nantucket, with such other persons as are, or may hereafter become associated and interested with them in said church, and the land whereon the same stands, with power to raise by assessment on the pews and seats

in said church, according to the original valuation thereof, such sum and sums of money for the settlement and maintenance of a minister or ministers, and for the incidental charges of said corporation, as the members thereof shall agree on at any legal meeting for that purpose.

Power to raise money by assessment on pews.

SECT. 2. *Be it further enacted,* That it shall be lawful for the trustees of said corporation, or a majority of them for the time being, after giving seven days notice by posting an advertisement to that effect at the door of said church, to sell, or cause to be sold at public auction, for the term of one succeeding year, the use or improvement of such pews or seats in said church, the proprietors or owners of which shall have refused or neglected for the space of thirty days after the proprietor's annual meeting, to pay in advance such annual assessment as may be legally laid thereon, and all the monies accruing from such sales, shall be placed to the credit of such owner and retained by said corporation; the treasurer whereof for the time being, is hereby empowered to execute leases to such persons as may purchase as aforesaid.

Treasurer may lease pews of delinquents.

SECT. 3. *And be it further enacted,* That it shall be lawful for the treasurer of said corporation, or such other person as may be duly authorized by the trustees, or a majority of them, to sell at public auction, after giving thirty days notice thereof, by posting an advertisement to that effect at the door of said church, all such pews or seats in said church on which the taxes may remain unpaid by the owners thereof during three years after such assessment as aforesaid, and upon such sale, to execute a good and sufficient deed or deeds thereof to the purchaser or purchasers, and after deducting the amount of such delinquencies or dues, together with legal interest thereon from the time the same was made payable, and all incidental costs and charges, the said treasurer, or person authorized to sell the same, shall pay the surplus, if any, to such delinquent proprietor.

Treasurer to sell pews on which taxes are due for three years.

SECT. 4. *Be it further enacted,* That any justice of the peace for the county of Nantucket, be, and hereby is authorized and directed to issue his warrant to some principal member of said corporation, requiring them to meet at such time and place as shall be therein set forth, to choose a moderator and a clerk, (who shall be duly sworn,) a treasurer and trustees, not exceeding five in number, or such other officers as the proprietors shall deem necessary, and the moderator of such meeting shall have power to administer the oath of office to the clerk, and the said clerk for the time being, under the direction of the trustees, shall have power to warn all future meetings of said proprietors, for the purpose of filling any vacancies that may occur, and for such other objects as may relate to the interests and concerns of said corporation. [Jan. 20, 1827.]

First meeting, and choice of officers.

Chap. 43.

An ACT to annex certain territory to the town of Wareham.

Annexation to
Wareham.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that tract of land, now forming a part of the towns of Plymouth and Carver, comprised within the following limits, together with the families and estates of all persons now residing thereon, be set off and annexed to the town of Wareham to wit—beginning at the southwesterly corner of the said town of Plymouth, at a brook, thence north, twenty-three and a half degrees east, about seven hundred and fifty-seven rods, to a point where the southerly line of said town of Plymouth runs east and west, thence north eighty-six and a half degrees west, four hundred and fifty rods, to Wakinquo river, and across said river, and in a straight line, about three hundred and sixty-five rods, to the line now dividing the towns of Wareham and Carver; and thence southeasterly, following said last mentioned line, and the line now dividing Plymouth and Wareham, to the point first mentioned: *provided,* that all taxes, heretofore assessed by the said towns of Plymouth or Carver, shall be paid in like manner as if this act had not been passed.

Proviso.

Settlement of
paupers.

SECT. 2. *Be it further enacted,* That all persons now having a settlement, or who may hereafter have a settlement, in either of said towns of Plymouth or Carver, by virtue of their residence, or the residence of any other person within the above described limits, or by virtue of the ownership of any person of any part thereof, shall, from and after the passing of this act, be deemed and taken to have a settlement in the said town of Wareham; and the said town of Wareham shall be liable to the support and maintenance of all such persons, in the same manner, and to the same extent, as if the said territory had originally constituted a part of said town of Wareham. [Jan. 20, 1827.]

Chap. 44.

An ACT to incorporate the Chatham and Harwich Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Young, Salathiel Nickerson, Caleb Nickerson, Richard Sears, Isaac Hardy, Collins Hawes, Jonah Crowell, and Obed Brooks, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Chatham and Harwich Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, in the town of Harwich, in the county of Barnstable; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an "act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the acts in addition thereto.

Powers and du-
ties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceed-

ing in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value the sum of two hundred thousand dollars, as may be necessary and convenient for the purpose aforesaid. [Jan. 20, 1827.]

An ACT to incorporate the North Congregational Church in New-Bedford.

Chap. 45.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Roger Haskell, William W. Kempton, Henry P. Willis, David Briggs, Ebenezer Hathaway, Frederick Reed, Ivory H. Bartlett, Joshua Barker, Cornelius Burges, Joseph Bourne, and their associates and successors, be, and they hereby are incorporated into a society, by the name of the North Congregational Church in New-Bedford, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are by law entitled; and may hold, purchase, receive, by gift or otherwise, real or personal estate, not exceeding the value of twenty thousand dollars. [Jan. 27, 1827.]

Persons incorporated.

Powers and privileges.

Estate.

An ACT to incorporate the Foster North River Bridge Company.

Chap. 46.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elisha Foster, Jr., Elisha Foster, Samuel Rogers, Samuel Foster, Howard Bowker, Lemuel Turner, and Ebenezer T. Fogg, together with such other persons as now are associated, or may be hereafter associated with them, be, and they hereby are made and constituted a corporation and body politic, by the name of the Foster North River Bridge Company, and by that name, may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all matters and things which bodies politic may or ought to do and suffer, and that said corporation shall and may have full power and authority to make, have, and use a common seal, and the same to break and alter at pleasure.

Persons incorporated.

Powers.

SECT. 2. Be it further enacted, That the said Elisha Foster, Jr., may, by posting up notifications at some public places in the towns of Scituate and Marshfield, warn and call a meeting of the proprietors, to be holden at any suitable time and place in either of said towns, after ten days from the first posting up of said notifications; and the proprietors, by a vote of the majority of those present or duly represented at said meeting, allowing one vote to and for each share, provided that no proprietor shall be allowed more than ten votes, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall also determine the mode of calling future meetings, and may elect such officers, and make and establish such rules and by-laws, not repugnant to the laws and constitution of this Commonwealth, as to them may seem necessary or convenient for the regulation and government of the said corporation, and for collecting the toll herein after granted, and may annex penalties to the breach of any by-laws, not exceeding ten dollars for any one offence; and all rules, regulations, and proceedings of said corporation shall be

First meeting.

Right to vote.

fairly and truly recorded by the clerk in a book kept for that purpose.

SECT. 3. *Be it further enacted*, That the said proprietors be, and they hereby are authorized and empowered to erect a bridge over North river, between the towns of Scituate and Marshfield, in the county of Plymouth, near Foster's ship yard, so called, with a convenient draw, at least thirty feet wide, for the passing of vessels ; and the said proprietors shall constantly keep some suitable person or persons at the said bridge, who shall raise said draw for any vessel that may be passing up or down said river, free of expense to the owner thereof ; and if the person, whose duty it shall be to raise the draw for the passage of vessels, shall unreasonably neglect or refuse to do the same, the proprietors of said bridge shall, for every such neglect or refusal, be liable to a fine of ten dollars, for the benefit of the person or persons damaged by such delay, to be recovered in any court of competent jurisdiction to try the same.

SECT. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of said proprietors ; according to the rates following, to wit : for each foot passenger, one cent ; for each horse and rider, five cents ; for each horse and chaise, chair, sulky or sleigh, ten cents ; for each coach, chariot, or phaeton, twenty cents ; for each sleigh drawn by more than one horse, sixteen cents ; for each cart, sled or other carriage of burthen, drawn by one beast, eight cents ; if drawn by more than one beast, ten cents ; for each horse, without a rider, and for neat cattle, two cents each ; for sheep and swine six cents for each dozen ; and one person and no more shall be allowed to each team as a driver to pass free of toll, and the toll shall commence on the day of first opening the said bridge, and shall continue for the term of seventy years ; and at the place where the toll shall be received, there shall be erected and constantly exposed to view a sign board with the rates of toll fairly and legibly written or painted thereon in large letters : *provided, nevertheless*, that the Legislature shall have a right, at any time after the expiration of fifteen years, to alter and regulate anew the rates of toll to be received by said proprietors : *provided, also*, that when the receipts of toll or income of said bridge shall have amounted to a sum sufficient to defray the expense of building, repairing and sustaining the same, and paying the interest of nine per cent. on the first cost, the said bridge shall revert to the Commonwealth ; or when the inhabitants of the towns of Scituate and Marshfield shall remunerate the said proprietors for the expense of said bridge, with nine per cent. interest thereon, (deducting what may have been received by tolls,) said bridge shall be opened free of toll, any thing in this act to the contrary notwithstanding.

SECT. 5. *Be it further enacted*, That the said proprietors be, and hereby are authorized and obliged, to lay out, make, and maintain a good and convenient road from said bridge over the salt marsh on each side of said river to the main upland. And

Draw.

Penalty for neglect to raise the draw.

Toll.

Proviso.

Proprietors obliged to make a road and pay damages.

the said proprietors shall be holden to pay all damages which shall arise to any person by taking his or her land for such road, (where the same cannot be obtained by voluntary agreement,) to be estimated by a committee to be appointed by the court of sessions for the county of Plymouth, saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Recovery of damages.

SECT. 6. *Be it further enacted*, That the said bridge shall be well built of suitable materials, that it shall be at least twenty-two feet wide, and covered with planks with sufficient rails on each side; and the said bridge shall be kept in good repair at all times, and said corporation shall within six months from the time they shall commence receiving toll at said bridge, lodge in the secretary's office, an account of the expenses of erecting the same; and they shall annually in the month of January exhibit to the governor and council, a true account of the income or dividends arising from said toll, with their necessary annual disbursements on said bridge. And the books of said corporation, shall at all times be subject to the inspection of the governor and council, and to the Legislature, when called for.

Description of bridge.

Corporation shall exhibit statement of expenses and income.

SECT. 7. *Be it further enacted*, That if the said proprietors shall neglect, for the space of four years from the passing of this act, to build and erect said bridge, then this act is to be void and of no effect. [Jan. 27, 1827.]

Condition of this act.

An ACT to incorporate a School at Nantucket, by the name of Admiral Isaac Coffin's Lancasterian School.

Chap. 47.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of Nantucket, in the county of Nantucket, a school by the name of Admiral Isaac Coffin's Lancasterian School, for the purpose of promoting decency, good order, and morality, and for giving a good English education to the youth, who are descendants of the late Tristram Coffin, who emigrated from England, about the year 1644, first settled at Salisbury, in Massachusetts Bay, now State of Massachusetts, and from thence removed to the town of Sherborn, now Nantucket; as the trustees for the time being shall direct. And that William Coffin, Ariel Coffin, Gorham Coffin, Jared Coffin, Thaddeus Coffin, and Charles G. Coffin, with such others as they may add to their number, be nominated and appointed trustees, and they are hereby incorporated into a body politic by the name of the Trustees of Admiral Isaac Coffin's Lancasterian School; and they and their successors shall be, and continue a body politic forever.

[This act is repealed by st. 1827 ch. 1.] School established.

Trustees incorporated.

SECT. 2. *Be it further enacted*, That all lands, buildings, monies, or other property, heretofore given or subscribed, for the purpose of establishing the aforesaid school, or which shall hereafter be given, granted, or assigned, to the said trustees, shall be confirmed to the said trustees and their successors, in that trust forever, for the uses for which said school is established. And the said trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate real or personal, provided the annual income of the same, shall not exceed the sum of three thousand dollars, and shall apply the interest, rents, and profits thereof, so as most to promote the design of the institution.

Real and personal estate.

SECT. 3. *Be it further enacted*, That the said trustees for the time being, shall be the visitors and governors of said institution, and shall have full power from time to time to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices, and to fill up all vacancies, that may happen in the board of trustees, by death, resignation, or removal from the town of Nantucket: *provided, always*, that the trustees, shall all be the descendants of the before mentioned Tristram Coffin, in the male or female line; to determine the times and places for holding their meetings, the manner of notifying the trustees, to ascertain the powers and duties of their several officers, to elect instructors and prescribe their duties, to make and ordain reasonable rules, orders, and by-laws for the government of the institution, *provided*, the same be not repugnant to the laws of the Commonwealth.

Powers of the trustees.

Proviso.

Common seal,
and execution
of deeds.

SECT. 4. *Be it further enacted*, That the trustees of said school may have a common seal, which they may change at pleasure; and all deeds, sealed with said seal, and delivered and acknowledged by the secretary of said trustees, by their order, shall be binding and valid in law. And said trustees may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Admiral Isaac Coffin's Lancastrian School.

Number of
trustees.

SECT. 5. *Be it further enacted*, That the number of said trustees shall never exceed nine, nor be less than six, one of which shall be appointed as president, three of which, with the president, or five without the president, shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time, and a majority of those present shall decide all questions, that may properly come before said trustees.

First meeting.

SECT. 6. *Be it further enacted*, That William Coffin, Esq. be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the trustees, and to notify them thereof.

SECT. 7. *Be it further enacted*, That this act may at any time be modified or repealed by the Legislature of this Commonwealth. [Jan. 27, 1827.] See 1827 ch. 1.

Chap. 48.

An Act incorporating the Springfield Ames Paper Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Ames, David Ames, Jr., and John Ames, together with such others as may hereafter be associated with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Springfield Ames Paper Manufacturing Company, for the purpose of manufacturing paper, and machinery for the same, in the town of Springfield, in the county of Hampden, and for that purpose shall have all the powers, and privileges, and be subject to all the duties and requirements contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the acts in addition thereto.

Powers and
duties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate not exceeding the value of one hundred thousand dollars, and of such personal estate, not exceeding the value of two hundred thousand dollars, as may be necessary and convenient for the purpose aforesaid. [Jan. 27, 1827.]

Chap. 49.

An Act to authorize Ebenezer Baker to dispose of certain real estate in Charlestown, and to invest the proceeds thereof in other real estate.

E. Baker au-
thorized to sell
real estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ebenezer Baker, of Charlestown, in the county of Middlesex, merchant, be, and he hereby is, duly authorized and empowered to sell and dispose of the distil-house, with the land and appurtenances thereto belonging, situate in said Charlestown, which were devised to his wife, Alice Baker, for life, remainder to her children in fee, by her father, Matthew Bridge, late of said Charlestown, deceased, and to invest the proceeds arising from said sale in other real estate, situate in the county of Suffolk, or Middlesex, in the name and to the use of his said wife for life, and the remainder in fee to her children, according to the provisions of said will, respecting said distil-house, and land derived [devised] as aforesaid: *provided*, the said Ebenezer Baker first give bond, with sufficient sureties, to the

Proviso.

judge of probate for the county of Middlesex, that he will faithfully cause said premises to be sold to the best profit and advantage, and will well and truly invest the proceeds which shall arise from said sale in the manner herein above provided, and any deed, made and executed by the said Ebenezer Baker, together with his said wife, of the premises aforesaid, in pursuance of the powers herein granted, and duly acknowledged by them, and recorded in the registry of deeds for the county of Middlesex, shall make a valid title in fee to the purchaser thereof: *and provided, further*, that the sale of the premises aforesaid, as well as the investment of the proceeds, and all deeds of conveyance in pursuance of such sale and investments, shall be approved by the judge of probate for the said county of Middlesex, so as effectually to secure the rights and interests of the said Alice Baker and all her children, conformably to the true interest [*intent*] of the devise aforesaid. [Jan. 27, 1827.]

Proviso.

An Act to incorporate certain persons as Trustees of the Parochial Funds of the Calvinist Society in Worcester.

Chap. 50.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William McFarland, Samuel Taylor, William B. Fox, Parley Goddard and Loammi Ives Hoadley, of said Worcester, members of said calvinist society, and parties to a certain indenture made by Daniel Waldo, of the other part, dated the twenty-ninth day of July last, conveying certain real estate to said persons in trust for the benefit of said society, he, and they, with their successors, hereby are incorporated into a body politic forever, by the name and title of “the Trustees of the Parochial Funds of the Calvinist Society in Worcester,” and by that name and title shall have perpetual succession.

Persons incorporated.

SECT. 2. *And be it further enacted*, That the said trustees shall have and keep a common seal, subject to be changed or altered at pleasure, and may sue and be sued, and prosecute and defend, to final judgment and execution, by the name and title aforesaid; and the number of said trustees shall never be less than five, three of whom shall form a quorum for doing business; and the said trustees are hereby authorized and empowered to choose a president, treasurer, and clerk, and such other officer or officers as they may judge necessary for the due management of the concerns of the said corporation; to make such by-laws and regulations, from time to time, as they may think fit, not repugnant to the constitution and laws of this Commonwealth, and to exercise all powers, incident to corporations, which may be necessary to effect the objects of their appointment.

Powers.

Number of trustees.

Trustees to choose officers.

SECT. 3. *And be it further enacted*, That the real estate conveyed by said Daniel Waldo as aforesaid, shall vest in and be holden by the said trustees and their successors, conformably to the provisions expressed and contained in the indenture aforesaid, and not otherwise; and the said trustees shall insert among their records a copy of this act, and also of said indenture, and in the management, appropriation and disposal of said real estate,

Tenure of real estate conveyed by D. Waldo.

or of any portion thereof, or of the proceeds thereof, the said trustees and their successors shall strictly conform to, and be governed by the provisions and directions, expressed and contained in the indenture aforesaid; and shall also do and perform all the acts and duties pointed out and enjoined therein.

Trustees may receive donations.

SECT. 4. *And be it further enacted*, That the said trustees, and their successors, be, and they hereby are vested with full power to receive and hold all monies, securities for money, and all grants of real and personal estate, which may hereafter be given and made to them by individuals, in trust, for the support of public worship in said calvinist society, and shall hold, manage, appropriate and dispose of all such estate, real or personal, as shall be given and granted to them as aforesaid, and accepted by them, conformably to the true intent and meaning of the donors thereof, as expressed in their respective deeds or instruments of conveyance: *provided, nevertheless*, that the annual income of such real and personal estate, exclusive of the estate conveyed by the indenture aforesaid, shall never exceed the sum of two thousand dollars; and all deeds and instruments which the said corporation shall lawfully make, by the name aforesaid, and sealed with their common seal, and all acts done, and matters passed upon by a major part of the members thereof, shall be valid in law, and binding on said corporation: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Proviso.

Deeds and other instruments.

Vacancies how filled.

SECT. 5. *And be it further enacted*, That when and so often as any vacancy or vacancies shall happen in said corporation, by death, resignation, removal from said calvinist society, or otherwise, the same shall be filled from the members of said calvinist society by the owners of pews in the meeting-house of said society, in the way and manner pointed out and prescribed in and by the indenture aforesaid, and not otherwise.

First meeting.

SECT. 6. *And be it further enacted*, That Loammi Ives Hoadley be, and he hereby is authorized and empowered to call the first meeting of said trustees, who shall thereafter determine the mode of calling the future meetings of said corporation. [Feb. 2, 1827.]

Chap. 52.

An ACT to incorporate the Bottomley Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Bangs, Benjamin Poor and George Bangs, with such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Bottomly Manufacturing Company, for the purpose of manufacturing cloths and woollen goods in the town of Leicester, in the county of Worcester, and for that purpose shall have all the powers and privileges, and be liable to all the duties and requirements contained in an act entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value fifty thousand dollars, and such personal estate, not exceeding in value fifty thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid. Real and personal estate.

SECT. 3. *Be it further enacted*, That any one or more of the persons above named, are hereby authorized and empowered to call the first meeting of the members of said corporation, at such time and place as he or they may see fit to appoint, by advertising the same in any newspaper printed in the city of Boston, or in the town of Worcester, for the purpose of choosing officers and making by-laws for the regulation of the officers of said corporation. [*Feb. 3, 1827.*] First meeting.

AN ACT in addition to an act incorporating the Hingham Mutual Fire Insurance Company.

Chap. 53.

1825 ch. 162.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever the sum subscribed by the associates of the said company, shall amount to fifty thousand dollars, the said company shall be, and hereby are authorized to insure for any term of time, not less than one year, nor more than seven years, on any dwelling-house, or other building, and on household furniture, in the county of Plymouth, to any amount not exceeding three quarters of the value of the property insured.

Term of insurance.

SECT. 2. *Be it further enacted*, That the third section of the act "incorporating the Hingham Mutual Fire Insurance Company," be, and the same is hereby repealed. [*Feb. 3, 1827.*] Repeal.
Add. act, 1831 ch. 7.

AN ACT to prevent the destruction of Fish, in the harbour of Edgartown, by seining thereof.

Chap. 54.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person or persons to catch, by seining thereof, or by the use of nets, any fish in the bays, waters, harbours, creeks, or arms of the sea, within the boundaries of the town of Edgartown, excepting English herring, menhaden and mackerel: *provided, however*, that this act shall not have force or effect to restrain the taking of fish, in the manner aforesaid, in any place more than one mile from the limits of said town, nor within the limits of the harbour of Holmes' Hole.

Fishing with seines forbidden.

Proviso.

SECT. 2. *Be it further enacted*, That if any person or persons, shall violate the provisions of this act, each person so offending, for each and every such offence, shall, on conviction thereof, pay a fine not exceeding ten dollars, nor less than one dollar, if the quantity of fish so taken is less than one barrel, but if the quantity shall be one barrel or more, such person or persons so offending, shall forfeit and pay, for each and every barrel of fish so taken, the sum of five dollars. Penalties.

SECT. 3. *Be it further enacted*, That all fines and forfeitures which shall be incurred by virtue of this act, shall be recovered, the one half to the use of him or them who shall first sue for the How recovered.

same, and the other half to the use of the town of Edgartown, with legal costs of suit by action of debt, in any court proper to try the same. [*Feb. 3, 1827.*]

Chap. 55.

An Act incorporating the Bemis Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Luke Bemis, Seth Bemis, John Bellows, Thomas Cordis and Henry G. Rice, with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Bemis Manufacturing Company, for the purpose of manufacturing woollen and cotton goods in the towns of Watertown and Newton, in the county of Middlesex; and shall have all the powers and privileges, and be subject to all the duties and requisitions, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the acts in addition thereto.

Powers and du-
ties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

First Meeting.

SECT. 3. *Be it further enacted,* That Seth Bemis, or either of the persons named in this act, be, and hereby is authorized to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof, either by personal notification or otherwise. [*Feb. 3, 1827.*]

Chap. 56.

An Act in further addition to an Act, entitled “An Act to incorporate the Ware Manufacturing Company.”

1821 ch. 65.
1825 ch. 82.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said manufacturing company in their corporate capacity, may lawfully make and sell machinery, castings and gearing, and fit up the same for use, wherever it shall be found necessary or convenient for the corporation aforesaid. [*Feb. 3, 1827.*]

Chap. 57.

An Act to incorporate the South Boston Iron Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Cyrus Alger, George C. Thacher and William H. Howard, and their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the South Boston Iron Company, for the purpose of working and manufacturing iron in all its different branches at Boston, in the county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Powers and
duties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of fifty thousand dollars, exclusive of the buildings and improvements, that may be made thereon by the said corporation. [Feb. 3, 1827.]

An Act in addition to an Act, entitled, "An Act to incorporate the Trustees of the Ministerial Fund in the town of Berkley."

Chap. 58.

1813 ch. 3.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the second section of the act, to which this is in addition, be so amended, that the annual meeting of said trustees shall be holden in the month of February or March in each year, instead of the month of August, and that a written notification, signed by the clerk of said trustees, for the time being, and posted up at the meeting-house of the first congregational society in said Berkley, seven days at least before such meeting, shall be legal notice of such meeting.

Amendment of former act.

SECT. 2. *Be it further enacted*, That the said second section of the before mentioned act, so far as the same is contrary to the provisions of this act, be, and the same is hereby repealed. [Feb. 3, 1827.] Add. acts, 1827 ch. 29: 1832 ch. 30.

Repeal.

An Act to incorporate the Supervisors of the Adams Temple and School Fund, in Quincy, in the county of Norfolk.

Chap. 59.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Greenleaf, Josiah Quincy, Thomas Boylston Adams, Edward Miller and George W. Beale, be, and they are hereby constituted a body politic and corporate, by the name of the Supervisors of the Adams Temple and School Fund, in Quincy, in the county of Norfolk, and that they, and their successors, to be appointed in manner as directed by three certain deeds of gift, of John Adams, late of Quincy aforesaid, bearing date the 25th day of June, the 25th day of July, and the 10th of August, in the year of our Lord one thousand eight hundred and twenty-two, granting certain real estate, and a library, to the inhabitants of said Quincy, upon certain conditions therein expressed, shall continue a body politic and corporate forever, and by the same name may sue and be sued in all actions, and may prosecute the same to final judgment and execution.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said supervisors, in concert with the selectmen of the town of Quincy, for the time being, shall have power and authority, and it shall be their duty to carry into effect the intentions of the said donor, by any act which by the said deeds they are authorized or directed to perform, and upon the conditions therein prescribed and accepted by the said town.

Supervisors to act in concert with selectmen.

SECT. 3. *Be it further enacted*, That any gift, grant, bequest, or devise, which may hereafter be made to said supervisors, for the purposes intended by the said donor, in the said

Donations.

Estate, real and personal.

deeds of gift, or either of them, shall be valid and effectual to all intents and purposes whatever, and they, and their successors as aforesaid, are hereby empowered by purchase or operation of law to take, have, hold, use, improve and manage any estate, real, personal or mixed, the annual income of which shall not exceed the sum of five thousand dollars in trust, for the purposes to which the temple and school fund is applicable, and for the use and benefit, in so much as relates to the temple, of the congregational society at Quincy; and in so much as relates to the school, of the inhabitants of the town of Quincy, in their corporate capacity.

Powers of the supervisors.

SECT. 4. *Be it further enacted*, That the said supervisors may assemble and meet together as often as they may think it necessary for the promotion of their trust, any three of whom shall constitute a board for doing business; but the concurrence of three at least shall be requisite to every act and proceeding whatever. They may determine the manner of calling meetings, they may appoint a clerk, an agent or agents, and other needful officers and committees; they may make reasonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; they may have a common seal, and change the same at their pleasure, and they may do and perform all acts, which corporate bodies are by law authorized to do and perform, subject to the conditions prescribed by the said deeds of gift, of the said John Adams, and to such as may be prescribed by any gift, grant, bequest or devise, hereafter to be made, and which may enure to them, for the purposes and to the uses in the above mentioned deeds described.

Clerk's duty.

SECT. 5. *Be it further enacted*, That the clerk of said corporation, shall be sworn to the faithful performance of the duties of his office, and shall have the care and custody of all papers and documents belonging to the said supervisors, and shall faithfully record in a book kept for that purpose all their acts and proceedings, and shall certify the same when thereto required, and he may call meetings when thereto directed by the supervisors, and do whatever else may be incident to said office; and the said supervisors may remove at their pleasure the said clerk, and appoint another in his place, and he shall on demand deliver to his successor in office, as soon as may be, all the records, papers and documents in his hands, in good order and condition; and if he shall neglect to do so, for thirty days next after such demand, he shall forfeit and pay a fine of fifty dollars, and a further sum of thirty dollars per month for such neglect afterwards, which said fines, when paid, shall enure to the benefit of the temple and school fund, to be sued for in any court proper to try the same.

Disposal of the library.

SECT. 6. *Be it further enacted*, That the library given to the town of Quincy by the said John Adams, shall be and continue under the direction of the supervisors of the temple and school fund, with the addition of the settled minister of the congregational society, and the settled minister of the episcopal society, at Quincy, for the time being, and their successors, while

they shall remain such respectively, to be disposed of according to the conditions prescribed in the said deed of gift ; and the proceedings of the said supervisors and settled ministers in relation to the disposal of the said library, shall be recorded upon their books by their clerk.

SECT. 7. *Be it further enacted*, That it shall be the duty of the said supervisors to cause to be recorded upon their books, copies of any proceedings of the inhabitants of the said town of Quincy, and also of the majority of the ministers, magistrates, lawyers and physicians, inhabiting said town, made or had in conformity with the conditions expressed in the deeds of gift of the said John Adams. Supervisors' duty.

SECT. 8. *Be it further enacted*, That the supervisors aforesaid, and they are hereby authorized upon the erection and establishment of the said school, to exercise any authority, and to do and perform any act in relation to the support and maintenance of the same, as trustees forever, which the inhabitants of the town of Quincy may authorize, or confer upon them : *provided*, the same be not repugnant to the laws of the Commonwealth. Supervisors' authority in relation to school.

SECT. 9. *Be it further enacted*, That the town treasurer of the town of Quincy, for the time being, shall also be treasurer of the said corporation, and shall be sworn to the faithful performance of the duties of his office ; and he shall give bond, with sufficient surety or sureties, to be approved by the supervisors and selectmen, in such penal sum as they may require, with condition to perform all the duties incumbent on him as treasurer ; and he shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, whenever they, or the selectmen shall require the same, and shall deliver to his successor in office, as soon as may be, all the books and papers, property and evidences of property, in his hands, as treasurer of said corporation, in good order and condition ; and in case, by reason of death, or other cause, the said town treasurer shall fail to perform the duties and comply with the obligations herein prescribed, the supervisors, together with the selectmen, shall be empowered to appoint a treasurer, for the time being, subject to the conditions required by this act. Treasurer and his duty.

SECT. 10. *Be it further enacted*, That the services of the said supervisors shall always be gratuitously rendered ; but the clerk may receive such reasonable compensation for the performance of his duty, as the said supervisors may see fit to allow, to be taken from the said temple and school fund. Compensation of clerk.

SECT. 11. *Be it further enacted*, That Thomas Greenleaf, of said Quincy, is hereby authorized to appoint the time and place, for holding the first meeting of the said supervisors, and to warn such meeting accordingly. [*Feb. 3, 1827.*] First meeting.

An ACT to incorporate the Roxbury Mutual Fire Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas K. Jones, Henry A. S. Dearborn,

Chap. 60.

- Persons incor- Charles Davis, Thomas Simmons, Nathaniel Dorr, Jonathan
porated. Dorr, D. A. Simmons, P. F. Copeland, Samuel J. Gardner,
John Lemist, and their associates, successors and assigns, are
hereby constituted a body politic and corporate, by the name
of the Roxbury Mutual Fire Insurance Company, with powers
and privileges incident to such corporations, for the term of
twenty-eight years.
- Term of in- SECT. 2. *Be it further enacted*, That when the sum sub-
surance. scribed to be insured shall amount to one hundred thousand dol-
lars, said corporation may insure, for the term of one to seven
years, any buildings, goods, or furniture, to any amount, not ex-
ceeding three quarters of the value of the property insured.
- Officers and SECT. 3. *Be it further enacted*, That said corporation may
by-laws. choose such officers, and establish such by-laws as they may
deem necessary, not repugnant to the constitution and laws of
this Commonwealth ; and each member shall have as many votes
as he has policies, and may vote by proxy.
- Funds. SECT. 4. *Be it further enacted*, That the funds of said cor-
poration shall be vested in stocks, or loaned on such security as
the directors may order, and shall be appropriated first to pay the
expenses of the corporation, and next to pay the damages which
any member may be entitled to recover on his policy. In case
Assessments. any member shall have a just claim upon the corporation exceed-
ing the amount of their then existing funds, the directors shall, with-
out delay, assess such sum as may be necessary on the members,
in proportion to the amount of their premiums and deposits for
seven years, but not to exceed treble the amount of such premi-
ums and deposits.
- Satisfaction of SECT. 5. *Be it further enacted*, That whenever any mem-
judgments. ber shall recover judgment against said corporation, he may levy
his execution on their estate or funds ; but if sufficient estate or
funds cannot be found, he may levy the same on the private
property of any one of the directors : *provided*, they first refuse
or neglect for the space of sixty days to satisfy the execution,
after formal demand made on them for that purpose ; and any di-
rector, whose property may be thus taken, may sustain an action
of the case against the corporation, to recover full and adequate
damages therefor.
- Policy shall cre- SECT. 6. *Be it further enacted*, That each policy of in-
ate a lien on surance shall, of itself, without any other ceremony, create a lien
property in- on any building insured, and on the land under it, and this pro-
sured. vision shall not prevent the taking of other collateral security.
- Resort to lien. SECT. 7. *Be it further enacted*, That in case it should become
necessary to resort to the lien or [on] the property insured, the
treasurer shall demand payment of the insured or his legal repre-
sentative, and likewise of the tenant in possession, and in case of
non-payment, the corporation may sustain an action for any sum
due, either on the deposit note, or by assessment, and their exe-
cution may be levied on the insured premises ; and the officer
making the levy, may sell the whole or any part of the estate at
auction, giving notice and proceeding in the same manner as is re-

quired in the sale of equities of redemption on execution ; and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

SECT. 8. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions ; and any member named in this act may call the first meeting, by advertising the same in any newspaper printed in the county of Norfolk. [*Feb. 3, 1827.*]

Liability to taxation.

First meeting.

An ACT to incorporate the Provident Institution for Savings, in the town of Taunton and its vicinity.

Chap. 61.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John West, Charles Richmond, James W. Otis, D. G. W. Cobb, Samuel Crocker, John M. Williams, James L. Hodges, Daniel Brewer, William Reed, Nathaniel Wheeler, James Sproat, William A. F. Sproat, Jacob Chapin, Thomas C. Brown, Thomas Whetherbey, Thomas K. Yates, Theophilus Parsons, John S. Russell, James Ellis, Luther Hamilton, George Lennard, 2d., James W. Crossman, William W. Crossman, Jonathan P. Sears, Charles Babbitt, David C. Hodges, and Charles R. Vickery, together with such other persons as shall be duly elected members of said corporation in the manner which is in this act provided, be, and they hereby are constituted a corporation, and body politic, by the name of the Institution for Savings in the town of Taunton and its vicinity ; and shall so continue for the term of twenty years.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said institution any deposit or deposits of money, and to use and improve the same for the purposes and according to the directions herein mentioned and provided.

Corporation may receive deposits.

SECT. 3. *Be it further enacted*, That all deposits of money received by the said corporation, shall be by the same used and improved to the best advantage, and the income or profit thereof shall be by them applied, and divided among the persons making the said deposits, their executors, administrators or assigns, in just proportion, and the principal of such deposits may be withdrawn at such times and in such manner as said corporation shall direct and appoint.

Use and income of deposits.

SECT. 4. *Be it further enacted*, That said corporation may, at any legal meeting, have power to elect by ballot any other person or persons as members of said corporation.

Corporation may elect members.

SECT. 5. *Be it further enacted*, That said corporation may have a common seal, which they may change or renew at pleasure, and that all deeds, conveyances and grants, covenants and agreements made by their treasurer, or any other person by their authority and direction, shall be good and valid ; and the said corporation shall at all times have power to sue and be

General powers.

sued, and may defend, and shall be held to answer by the name aforesaid.

Annual meetings.

SECT. 6. *Be it further enacted*, That the said corporation shall hereafter meet at Taunton, some time in the month of January annually, and as much oftener as they may judge expedient ; and any seven members of the said corporation, the president, secretary or treasurer being one, shall be a quorum ; and the said corporation at their meeting in January annually, shall have power to elect and choose a president, and all other such officers as to them shall appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their room ; and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

Election of officers.

By-laws.

SECT. 7. *Be it further enacted*, That the said corporation hereby are vested with power of making laws for the more orderly management of the business of the corporation : *provided*, the same are not repugnant to the constitution or laws of this Commonwealth.

First meeting.

SECT. 8. *Be it further enacted*, That either of the persons named in the first section of this act may call the first meeting of said corporation, by public notification in the newspaper printed in Taunton, at such time and place as he shall judge proper.

Legislative examination and control.

SECT. 9. *Be it further enacted*, That the officers and agents of the said institution shall lay a statement of the affairs thereof, before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them, concerning the same under oath ; and the Legislature may at any time make such further regulations for the government of said institution, as they may deem expedient, and may amend or repeal this act at pleasure. [*Feb. 6, 1827.*]

Chap. 62.

An ACT to incorporate the Salem Charitable Marine Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John C. Very, Nath'l. Appleton, Matthew Newport, and Samuel Bartlett, and their associates, and their successors, be, and they are hereby incorporated and made a body politic, by the name of the Salem Charitable Marine Society, with power to have and use a common seal, to sue and be sued, to ordain and make from time to time by-laws and rules for the government and management of the corporation : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth, and that they have all the privileges usually given by acts of incorporation to charitable societies.

Powers.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may take by purchase, gift, grant, or in trust, or otherwise, and hold real estate, not exceeding the value of five thousand dol-

lars, and personal estate not exceeding the value of twenty thousand dollars for charitable purposes.

SECT. 3. *Be it further enacted*, That John C. Very be, and is hereby authorized to call the first meeting of said corporation by a notice published in one of the newspapers printed in the town of Salem, and appoint the time and place thereof, at which meeting, such by-laws may be passed, as are not repugnant to the laws and constitution of this Commonwealth, and such officers chosen for the government of said corporation, as may be deemed expedient. First meeting.

SECT. 4. *Be it further enacted*, That this act may be amended, revised or repealed, at the pleasure of the Legislature of this Commonwealth. [Feb. 9, 1827.] Legislative control.

AN ACT to incorporate the First Presbyterian Society in Millbury.

Chap. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Asa Waters, Elias Forbes, Joseph Torry, Vernon Stiles, David Woodward, Calvin Barker, Simon Farnsworth, and Aaron Trask, together with such others as may associate with them and their successors, be and they hereby are incorporated into a religious society, by the name of the First Presbyterian Society in the town of Millbury, with all the privileges and powers to which parishes and religious societies are entitled by the constitution and laws of this Commonwealth; and such society shall have authority to take, hold and possess, by grant, gift, or otherwise, any real estate for parochial purposes, not exceeding the value of twenty thousand dollars, and to raise, by voluntary contribution or otherwise, a fund for the purpose of supporting public worship and other religious, parochial and charitable purposes, not exceeding twenty thousand dollars. Persons incorporated.

[Name changed 1835 ch. 67.]

Powers and privileges.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said society may have power to order and establish such regulations, rules and by-laws as may seem to them expedient for the due government of the said society, and the management of their funds and other parochial concerns, provided the same are not repugnant to the constitution and laws of this Commonwealth. By-laws.

SECT. 3. *Be it further enacted*, That the said society shall have full power and authority at any meeting duly called for that purpose to assess on the pews and seats which may be constructed in any house they may erect, all such taxes as may be necessary or proper for the maintenance of public worship, and the repairs and preservation of such house, and for all other parochial charges and expenses, according to the relative value of said pews and seats as the same shall be established by an appraisal in conformity with the by-laws of said society; and the taxes so assessed shall be a lien on the pews and seats respectively on which they are assessed; and in case of the non-payment of the tax or taxes so assessed for the space of one year after the same shall be so assessed, the pew or pews, seat Assessments on pews.

Pews of delinquents may be sold.

Society may assess polls and estates.

Right of voting.

First meeting.

or seats, respectively, on which the same shall be assessed, shall be forfeited to the said society, and may be sold at public auction, in such manner as the said society shall by their by-laws and regulations provide; and the balance of the proceeds of said sale after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor or proprietors of the pew or pews, seat or seats, so sold or his assigns. And the society shall have full authority to convey to the purchaser of any pew or seat so sold, a good and valid title as proprietor thereof. And the said society shall also have full power and authority at any meeting called as aforesaid, to assess, upon the polls and estates of the members thereof, all such taxes as may be necessary for the purposes aforesaid, agreeably to the provisions of the several acts of this Commonwealth, regulating parishes and other religious societies.

SECT. 4. *Be it further enacted*, That the proprietors of pews or seats in the house to be erected by said society shall have a right to vote on any question in relation to the raising of money as aforesaid, or the management of the parochial concerns of said society; and the said proprietors may authorize such other members of said society who may become occupants of pews or seats in said house, to vote upon any question aforesaid, in such manner and to such extent as they may fix and determine from time to time: *provided*, such proprietors shall not alter the regulations of said society in relation to the rights of such occupants oftener than once in each year.

SECT. 5. *Be it further enacted*, That the first meeting of said society shall be called by virtue of a warrant, upon the application of any five of the before mentioned persons, to be issued by any justice of the peace, within and for the county of Worcester, directed to any one of the before named persons, requesting him or them to call such meeting, at such time and place as may be appointed in said warrant. And the said society shall then and there proceed to elect their officers, and shall determine in what manner future meetings of the said society shall be called, and shall also fix the time and manner of electing the necessary officers of said society, and the tenure of their respective offices. [*Feb. 10, 1827.*] Add. act, 1835 ch. 67.

Chap. 66.

An Act to incorporate the Proprietors of the Nantucket Lyceum.

Persons incorporated.

Powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel B. Tuck, George G. Mitchell, Edward G. Barney, Paul Mitchell, Jr., John W. Barrett, George B. Upton, Francis F. Hussey, Charles Bunker and Peter F. Ewer, with their associates, successors and assigns, shall be, and hereby are made a corporation for literary purposes, by the name of the Nantucket Lyceum, and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Court of Record, or any other place whatsoever, and also to have, make and use

a common seal, and the same to alter and renew at pleasure, and also to appoint a treasurer and clerk, with such other officers as they may think expedient, and also to establish and put into execution such by-laws and regulations as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of their affairs: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said corporation are hereby made capable in law, to hold and possess real estate to the amount of five thousand dollars, and personal estate, to the amount of six thousand dollars, to be divided into shares not exceeding one hundred dollars each.

SECT. 3. *Be it further enacted*, That Samuel B. Tuck be, and he hereby is authorized and empowered to call the first meeting of said proprietors by publishing the time and place thereof in some newspaper in Nantucket, one week at least before the time of said meeting; *provided*, nevertheless, that this act of incorporation shall be determinable at the pleasure of the Legislature. [Feb. 12, 1827.]

AN ACT to incorporate the First Independent Universalist Society in Springfield.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edmund Allen, Alexander Stöcking, Dudley Brown, Israel Phillips, Jr., Etham A. Clary, Moses Y. Beach, [and all others] who have associated, or may associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the First Independent Universalist Society in Springfield, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by the laws and constitution thereof.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estate, real or personal, for the use of said society, the annual income of which shall not exceed five thousand dollars.

SECT. 3. *Be it further enacted*, That the members of said society are hereby authorized to raise, by donation or subscription, a fund for the purpose of supporting a Universalist minister in said society: *provided*, the annual income thereof shall not exceed eight hundred dollars; and all subscribers to said fund shall be holden to pay the same according to the subscription.

SECT. 4. *Be it further enacted*, That any two of the above named persons are hereby authorized to notify the first meeting of the members of the said corporation, by advertising the time and place thereof in one or more of the public newspapers, printed in Springfield, three days at least before such meeting; and that the said society may, at such, or any other meeting, agree on the mode of calling other meetings, and elect a clerk and treasurer, and such other officers and such committee, and establish such rules and by-laws not inconsistent with the con-

By-laws.

Real and personal estate.

First meeting.

Chap. 67.

Persons incorporated.

Powers and privileges.

Estate, real or personal.

Fund for support of minister.

First meeting.

stitution and laws of the Commonwealth, as they shall see fit, and the same may change at pleasure.

Limitation of
this act.

SECT. 5. *Be it further enacted*, That this act shall continue in force for twenty-one years from the date of its passage, and no longer. [*Feb. 13, 1827.*]

Chap. 68.

AN ACT to incorporate the Proprietors of the Exchange Coffee House.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward H. Robbins, Jr., Franklin Dexter and Samuel Adams Wells, and all such persons as may associate with them, as proprietors, their successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the Proprietors of the Exchange Coffee House, for the purpose of erecting, holding, and managing a house of public entertainment, and its appropriate appurtenances, with power to hold and improve the buildings now erected on the land above [*hereafter*] described, for purposes similar to those for which the same are now occupied and improved; and by that name may sue and be sued, defend and be defended, in any courts of record or other place whatsoever, and shall and may do and suffer all matters, acts, and things, which bodies politic may do and suffer, and may make, have, and use a common seal, and the same at pleasure break, alter and renew, and ordain and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their affairs; and for the breach of such by-laws, ordinances, and regulations, may order fines and penalties not exceeding ten dollars for every breach: *provided*, that such by-laws, ordinances, and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Powers and pri-
vileges.

Real estate.

SECT. 2. *Be it further enacted*, That the said corporation be, and the same is declared capable to hold, have and possess, in fee simple, or otherwise, all or any part of that real estate in the city of Boston, bounded westerly on Devonshire street, there measuring eighty-seven feet and five inches, thence turning and bounded southerly on land of Jonathan Mason, there measuring sixty-five feet more or less, bounded westerly again on land of said Mason, there measuring twenty feet and nine inches; then bounded southerly again on the quaker meeting-house estate, there measuring one hundred and fourteen feet and seven inches; easterly on Congress street, there measuring eighteen feet and ten inches; northerly on a court laid out by the late proprietors of the Exchange coffee house, and known by the name of Congress square, there measuring ninety-three feet and four inches; easterly again on said Congress square, there measuring seventy-seven feet and four inches; northerly again on the estate late of James Prince, deceased, there measuring fifty-seven feet and one inch, to the point of beginning on said Devonshire street: *provided*, the said corporation shall acquire the same by legal grant from

Proviso.

the lawful proprietors thereof; and also to have, hold and possess such personal property, as, together with the estate above described, shall not exceed in value the sum of one hundred thousand dollars, and said corporation shall have power to grant, sell and alien in fee simple or otherwise, the said corporate property, or any part thereof, and to lease, manage and otherwise improve the same according to their will and pleasure, and by such forms of conveyance and contract as shall by their by-laws be provided.

Personal estate.

SECT. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the form of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation, in a book to be kept for that purpose, and shall be liable to attachments on mesne process, and sale on execution, in the manner, and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated companies.

Shares and certificates.

SECT. 4. *Be it further enacted*, That the real estate and other property of said corporation shall be liable to be attached on mesne process, and be set off and sold on execution against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process.

Real estate of corporation liable to attachment and execution.

SECT. 5. *Be it further enacted*, That said corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole the sum of one hundred thousand dollars aforesaid, for the purchase, improvement and good management of their estate, and for erecting, repairing or altering buildings, or for the incidental expenses of the corporation, and to sell and dispose of the shares of any delinquent proprietor for the payment of such assessment, in such way and manner as said corporation may, by their by-laws and regulations, determine and agree on.

Assessments.

SECT. 6. *Be it further enacted*, That in all meetings of the stockholders in said corporation, each member shall be entitled to one vote for each share held by him.

Right to vote.

SECT. 7. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said corporation, by advertising in any newspaper printed in Boston, three times, the first not less than three days before the time appointed for such meeting; and the corporation, at their first meeting, and afterwards, annually, on such day as shall be established by the by-laws, shall choose a president, clerk, and such other directors or officers as they may see fit, which clerk shall be under oath; they may also agree upon the mode of calling future meetings.

First meeting.

SECT. 8. *Be it further enacted*, That all covenants or contracts which shall be made by said corporation, and all debts due from it, shall be binding on each one and all of those persons, individually, who shall be stockholders in said corporation, when

Contracts binding on stockholders individually.

such contracts respectively are made, and on their respective heirs, executors and administrators, in the same manner as if such covenants or contracts had been made on debts contracted by such stockholder or stockholders in his or their individual capacity.

Legislative
control.

SECT. 9. *Be it further enacted*, That the Legislature shall have authority to amend or repeal this act at any time hereafter : *provided, however*, that any act of the Legislature repealing this act shall have the effect of vesting all the real and personal estate of said corporation in the individual members thereof, and their legal representatives, in the same proportions as they shall, at the time of such repeal, respectively hold the stock of said corporation. [Feb. 13, 1827.]

Chap. 69.

1824 ch. 40.
1825 ch. 168.

An ACT in addition to an Act, entitled "An Act in addition to an Act to incorporate the President, Directors and Company of the Asiatic Bank, in Salem."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further period of twelve months from and after the fourth day of March next, be, and hereby is allowed to the said corporation, for the payment of the addition to its capital stock, authorized by the act to which this is in addition. [Feb. 13, 1827.] Add. acts, 1827 ch. 24 : 1829 ch. 75 : 1830 ch. 58

Chap. 71.

An ACT to incorporate the First Methodist Episcopal Church in New Bedford, in the county of Bristol.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonathan Tuttle, Timothy I. Dyer, James W. Dyer, James Moores, Reuben Jennings, Benjamin Pitman, Zachæus Cushman, Jonathan R. Ward and John Fuller, all of New Bedford, in the county of Bristol, with their families and estates, together with such other persons as may hereafter associate with them, be, and they hereby are incorporated into a religious society in the town of New Bedford, in the county of Bristol, and made a body politic, by the name of the First Methodist Episcopal Church in New Bedford, with all the privileges, powers and immunities, to which religious societies are entitled by the constitution and laws of this Commonwealth.

Powers and
privileges.

Common seal
and by-laws.

SECT. 2. *Be it further enacted*, That the said body politic shall have power to make and use a common seal, and the same to break and alter at their pleasure, and to make such by-laws for the regulation and direction of their business, as shall not be repugnant to the constitution and laws of this Commonwealth.

Property.

SECT. 3. *Be it further enacted*, That said body politic may hold property, real or personal, or both, to an amount not exceeding ten thousand dollars, for the purpose of supporting with the income of the same, the preaching of the gospel, and other benevolent and religious purposes : *provided*, that the income of the property thus held shall be appropriated according to the original design of the donor or donors.

SECT. 4. *Be it further enacted*, That said body politic shall,

at their first annual meeting, elect a clerk, treasurer, and nine trustees, with such powers as shall be prescribed by the by-laws of said body politic; and the first meeting thereof may be called by Jonathan Tuttle, who is hereby authorized to issue his warrant therefor, for the choice of officers, and for organizing said society.

Election of officers, and first meeting.

SECT. 5. *Be it further enacted*, That this act may be altered, amended or repealed, at the pleasure of the Legislature. [Feb. 19, 1827.]

Legislative control.

An Act in addition to an Act to incorporate the President, Directors and Company of the City Bank.

Chap. 72.

1821 ch. 100.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the City Bank be, and they hereby are authorized and empowered to increase their present capital stock, by an addition of two hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct and determine: *provided, however*, that the whole amount shall be paid in, within one year from the passing of this act.

Increase of capital stock.

Proviso.

SECT. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the present capital stock of said corporation is now holden, by virtue of the act to which this is in addition. [Feb. 19, 1827.] Add. act, 1830 ch. 58.

Additional stock subject to tax, &c.

An Act in addition to an Act entitled "An Act to incorporate the Trustees of the Methodist Religious Society in Charlestown."

Chap. 73.

1819 ch. 116.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, any five of the Trustees of the Methodist Religious Society in Charlestown, shall constitute a quorum to do business, any thing contained in said act incorporating said trustees to the contrary notwithstanding. [Feb. 19, 1827.]

An Act in addition to an Act to incorporate the Blackstone Canal Company.

Chap. 74.

1822 ch. 27.

1823 ch. 77.

1825 ch. 144.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of July next, the stockholders in the Blackstone Canal Company in Rhode Island, a corporation created by the Legislature of that State, be, and they are hereby constituted stockholders in the Blackstone Canal Company in this Commonwealth, with the same powers, rights and privileges, as if they had originally subscribed an equal amount of stock in the Massachusetts corporation, and that all the tolls and other property, real and personal, and all the powers, privileges, rights and interests, then owned or afterwards acquired by the Massachusetts corporation, shall belong to the stockholders for the time being, and the stockholders of the Rhode Island corporation hereby associated with them, in proportion to the number

Blackstone Canal Company in R. I. united with the company in Mass.

of shares by each of them owned, and that from and after the said first day of July next, neither of said corporations shall be capable of acquiring or holding separate property of any kind, but that every kind of property, rights and privileges, then owned, or afterwards acquired by either of said corporations, shall be deemed and taken to be the joint property of the stockholders for the time being, in said two corporations.

Notice to the
stockholders of
the united com-
panies.

SECT. 2. *Be it further enacted*, That after the first meeting of said Massachusetts company, next after the said first day of July next, and at all future meetings, the said Rhode Island stockholders shall be entitled to the same notice as the original stockholders, and may be present and act accordingly, in as full a manner as if they had originally subscribed to the stock of the company in this state. That all meetings which shall be convened in pursuance of the by-laws, which may be established by the original and associated stockholders, shall be legal and valid, and all officers chosen at such meetings, shall be officers of this corporation, whether residing in this state, or the state of Rhode Island: *provided*, that there shall always be one officer in each state, who is an inhabitant thereof, on whom process against said corporation may be served, that the books and registry of the proceedings of said original and associated stockholders, shall be deemed and taken to be the books and proceedings of both corporations, and it shall be the duty of said corporations to keep a registry in both states of all transfers of stock either by the original or associated stockholders.

Officers.

Proviso.

Attachment of
shares.

SECT. 3. *Be it further enacted*, That the shares of any stockholder in said company, whether made such by the provision of this act or otherwise, shall be liable to attachment and execution, within the state where such stockholder shall reside and be inhabiting at the time of such attachment being made, or in case of no attachment being so made in the state where he shall reside, when execution shall be levied thereon, as in case of other personal estate: *provided*, that the officer serving or levying any such attachment, execution or other process, whereby to take, hold or create a lien upon the shares of any such stockholder, shall leave with the clerk, or some other officer of said company, or at his last and usual place of abode, an attested copy of the writ of attachment or execution, or other process, for taking, holding or retaining a lien upon such shares, and whenever such shares shall be sold by virtue of any writ of execution, said officer shall leave with the clerk, or some other officer of said company, or at his usual place of abode, a certificate under his hand, stating the number of shares by him sold, and to whom sold under such writ of execution, and such purchaser thereof shall thereupon become a stockholder in said company, entitled to all the rights and privileges, and subject to all the duties and liabilities of the debtor or debtors, in said writ of execution, in regard to the stock so purchased, and any writ or process against said company, shall in like manner be served by the officer leaving an attested copy thereof with the clerk, or some other officer

Proviso.

of said company inhabiting this state, or at his usual place of abode.

SECT. 4. *Be it further enacted*, That this act shall take effect from and after the first day of July next: *provided*, the Legislature of Rhode Island shall, previous to that time, pass a similar act, constituting the stockholders in the company in this Commonwealth, stockholders in the company in Rhode Island, with like powers, rights, interests and privileges, which are hereby given to the stockholders in the Blackstone Canal Company in Rhode Island: *and provided, also*, that thereafter each of said corporations, in the states of Massachusetts and Rhode Island, shall accept and adopt the provisions of the aforesaid acts of the respective states. [*Feb. 20, 1827.*]

When this act shall take effect.

AN ACT to unite the Watertown and Brighton Fisheries in Charles River, and for the regulation and management thereof.

Chap. 76.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the several fisheries described in an act made and passed on the first day of March, in the year of our Lord one thousand eight hundred and fifteen, entitled “an act to regulate the shad and alewife fishery in the town of Brighton,” and an act made and passed the third day of February, in the year of our Lord one thousand eight hundred and eighteen [*sixteen*] entitled “an act to regulate the shad and alewife fishery in the town of Watertown,” shall be united, and hereafter constitute one fishery; and the right, franchise, and property of said fisheries thus united, shall belong to, and be owned by said towns in the proportions following, that is to say, seven tenth parts thereof by the town of Watertown, and three tenth parts thereof by the town of Brighton.

1797 ch. 75.
(v. 2. p. 224.)

1814 ch. 162.

1815 ch. 56.

Fisheries united.

SECT. 2. *Be it further enacted*, That for the well ordering and good management of said fishery, there shall, as soon after the passing of this act as may be, and thereafter annually in the month of January, be appointed by the selectmen of the town of Watertown for the time being, three discreet and disinterested inhabitants of that town, and by the selectmen of Brighton two of their inhabitants of like character, who shall continue in office for the space of one year from the date of their appointment, and until others shall be appointed in their places, but subject to removal at any time by the respective selectmen of said towns, and they shall be denominated the fish wardens of Charles river, and shall have power to use and occupy the said fishery, by causing all such fish as pass into, or are found in said river within the limits of said towns of Watertown and Brighton, to be taken at such times, in such manner, with such seines, nets, utensils and machinery, and by such persons, agents, or servants as they may see fit to employ for that purpose; or they may lease and farm out, by public or private sale, for one or more years, not exceeding five years in any one contract, the said fishery, entire or by parcels, as they may consider will be most advantageous for their respective towns; and each of said towns shall provide the

Selectmen to appoint wardens.

Fish wardens' power.

same place or places where the fish have heretofore been taken on the margin of said river, within their respective limits, to be used at all times for landing and drawing the fish to shore, as occasion may require ; but said fish wardens shall not have the right or power of taking any of the fish called shad and alewives, or to authorize any other person to take them, on more than three days in any one week.

Their duty to pay over money and make report.

SECT. 3. *Be it further enacted*, That it shall be the duty of said fish wardens, immediately upon the receipt of any monies arising from the management, rent, or sales of said fishery, after deducting therefrom such sums as they may have necessarily expended in conducting said business, to pay over the same to the respective treasurers of said towns, in the proportions aforesaid, taking their receipts for the same ; and in the month of December, annually, they shall make up their accounts, with a full and fair report of their whole proceedings in the premises, and deliver one set to the selectmen of each town, to be examined, allowed and passed by them ; and the said fish wardens shall be entitled to such compensation as their respective towns employing them may see fit to allow them ; and the acts and doings of any three of said fish wardens, when the whole have been notified, shall be binding and as valid in law as if all five had acted and concurred therein.

Penalty for taking fish with seines, &c.

SECT. 4. *Be it further enacted*, That if any person shall cast, or put into the waters of Charles river, within the limits of the towns of Watertown and Brighton, any seine, net, or other machine or instrument whatever, (other than a hook and line, as is commonly used for taking small fish,) for the purpose, or with a design to take, or in any manner destroy any of the fish therein, or prevent their free passage up and down, along or across said river, or any part thereof, without license first had from said fish wardens, he or she so offending shall forfeit and pay for each offence, a sum not less than twenty dollars, nor more than forty dollars, according to the nature and aggravation of the offence.

Penalty for taking fish.

SECT. 5. *Be it further enacted*, That if any person shall take, kill or destroy any fish within the limits of the said towns of Watertown and Brighton, without license from the fish wardens of Charles river, (except the taking them with hook and line as aforesaid,) every person so offending shall forfeit and pay, for every fish killed, taken or destroyed, the sum of thirty cents.

Use of fines recovered.

SECT. 6. *Be it further enacted*, That all fines and forfeitures which may be incurred by any breach of this act, shall enure and be to the use of the respective towns of Watertown and Brighton, in the proportions herein before stated, that is to say, seven tenth parts thereof to the use of the town of Watertown, and three tenth parts thereof to the use of the town of Brighton, and shall and may be recovered on complaint before any justice of the peace, where the penalty does not exceed twenty dollars, or by indictment before the supreme judicial court, or court of common pleas, or the same may be recovered by action of the case, before any court proper to try the same, in a suit in the name of the

fish wardens of Charles river, for the uses aforesaid ; and the death of any warden shall not be deemed an abatement of any suit or process, but the same may proceed to final judgment and execution in the name of said wardens.

SECT. 7. *Be it further enacted*, That all acts, and parts of acts, inconsistent with, or contravening any of the provisions of this act, be, and the same are hereby repealed : *provided, however*, that the provisions of this act shall be always subject to the revision, control, amendment or repeal of the Legislature. [*Feb. 21, 1827.*]

An Act to repeal an Act, entitled "An Act to repeal part of an Act, entitled an Act to regulate town meetings in the town of Danvers."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That an act passed the twenty-sixth day of February, A. D., one thousand eight hundred and thirteen, entitled "an act to repeal part of an act entitled an act to regulate town meetings in the town of Danvers," be, and the same is hereby repealed.

SECT. 2. *Be it further enacted*, That from and after the passage of this act, the said town of Danvers shall be, and the same hereby is, for the choice of selectmen and assessors, divided into two districts, by a line commencing at the middle of Water's bridge, so called, at the iron factory, thence running through the middle of the pond of said factory, and by the brook running into the same, to the bridge on the county road near Daniel Tapley's dwelling-house, thence by the road leading by Nathan Felton's and Thorndike Proctor's dwelling-houses, to the county road near Francis Proctor's dwelling-house, thence by said road westerly to the Newburyport turnpike, thence by said turnpike to Lynnfield ; and that a bare majority of the selectmen and of the assessors of said town shall be chosen from among the inhabitants of each district alternately, that is to say, a major part of said officers shall be chosen in March or April, A. D., one thousand eight hundred and twenty-seven, from among the inhabitants of the district north of said divisional line ; and the other selectmen and assessors for the same year, from among the inhabitants of the district south of said line ; and in March or April, A. D., one thousand eight hundred and twenty-eight, a major part of said officers shall be chosen from among the inhabitants of the district south of said line ; and the other selectmen and assessors for the same year, from among the inhabitants of the district north of said line, and so alternately in regular annual succession thereafter. [*Feb. 21, 1827.*]

Chap. 78.

July, 1772.
(v. 3. p. 17, appendix.)
1796 ch. 69.

Repeal of St.
1812 ch. 102.

Division of
Danvers.

Choice of selectmen and assessors.

An Act to incorporate the Methodist Episcopal Society in the town of Lowell.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Wyman, James R. Barnes, John Johnson, John G. Moor, James Wilson, Jonathan Knowles, Elisha W. Sweet, Nathaniel Damon, Parker Dutton, Lambert Howe,

Chap. 79.

Persons incorporated.

Powers and
privileges.

Estate and
by-laws.

Proviso.

Trustees.

Trustees may
hold funds.

First meeting.

Legislative con-
trol.

and their associates, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of the First Methodist Episcopal Society in the town of Lowell, with all the powers, privileges and immunities to which parishes are entitled by the constitution and laws of this Commonwealth, and may purchase, receive by gift, or otherwise, and hold real or personal estate, the annual income of which shall not exceed the sum of two thousand dollars, for the purpose of building a house, and supporting public worship therein ; and may also ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient for the government of their society and the management of their parochial and ministerial funds : *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That all gifts, grants, or monies received by said society, shall be under the direction of seven trustees, to be appointed agreeably to the usages of said Methodist Episcopal Church.

SECT. 3. *Be it further enacted*, That said trustees be, and they are hereby vested with, and shall have full power to receive all monies, subscriptions, donations and securities for real or personal estate, that may hereafter be given, raised, or subscribed, for the use of said society, and said trustees are hereby empowered by purchase or operation of law, to take, have, hold, use, improve and manage any estate, real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust for the support and maintenance of the gospel ministry, and other expenses of said society.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Middlesex, be, and he is hereby empowered, on application therefor, to issue his warrant to some member of said Methodist Episcopal Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose, at their annual meetings, and to transact such other parochial business as may be authorized by said warrant.

SECT. 5. *Be it further enacted*, That this act may be amended or repealed at the pleasure of the Legislature. [Feb. 21, 1827.]

Chap. 80.

An Act to incorporate the Trustees of the First Baptist Ministerial Church Fund in Randolph.

Persons incor-
porated.

Powers and
privileges.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Spear, of Randolph, Isaac G. Blanchard and Johnson Tolman, of Stoughton, and their successors, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund of the First Baptist Church and Society in Randolph, and by that name may sue and be sued, plead and be impleaded, and may have a com-

mon seal ; and shall possess, and may enjoy all such other powers and privileges as are incident to corporations of like nature.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to take, hold, collect, and receive all such subscriptions, donations, grants, bequests, and devises of real or personal property or estate, as have been made to the said church and society, or may hereafter be made to the said trustees for the said church and society, and the same shall be valid and effectual to all intents and purposes whatever : *provided*, the annual income of such property and estate shall not exceed twelve hundred dollars.

Power to take and hold funds.

Proviso.

SECT. 3. *Be it further enacted*, That the said trustees, together with the donors of the funds already raised for the purpose aforesaid, shall, at a meeting to be called for that purpose, as herein afterwards provided, adopt such rules and regulations for the management of said funds as they shall deem expedient, and such rules and regulations, when so adopted, shall be forever afterwards unalterable and binding upon said trustees, unless altered by the authority of the Legislature : *provided*, such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth. And the said trustees and donors shall, at such meeting, prescribe the mode of calling future meetings and organizing the same, and determine the number and duties of said trustees, and the manner of supplying vacancies in their number : *provided, however*, that none of said trustees shall be responsible for the acts of the others.

Rules and regulations adopted, to be unalterable.

Provisos.

SECT. 4. *Be it further enacted*, That the income of said funds shall be appropriated and expended in compliance with the directions and express intentions of the respective donors ; but no part of the principal or capital amount of said funds shall ever be expended by said trustees, except in cases of donations or grants made for the express purpose of having the principal expended.

Income how appropriated.

SECT. 5. *Be it further enacted*, That the said trustees, first appointed, shall within three months from the passing of this act, file in the clerk's office of the town of Randolph, a copy of their permanent rules and regulations, attested by their clerk, which copy shall and may be used as evidence in all cases where the original would be evidence.

Trustees shall file a copy of their rules and regulations.

SECT. 6. *Be it further enacted*, That Samuel Spear be, and hereby is, authorized to call the first meeting of said trustees and donors, by posting a notification of the time and place thereof at the first baptist meeting-house in Randolph fourteen days prior to said meeting.

First meeting.

SECT. 7. *Be it further enacted*, That this act shall continue in force for twenty-one years and no longer. [Feb. 21, 1827.] Add. act, 1831 ch. 30.

[Sect. 7. Repealed 1831 ch. 30.]

An Act to preserve and secure from damage Marshfield Beach, and the meadows thereto adjoining.

Chap. 81.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Marshfield, in the county of Plymouth, be, and they are hereby authorized and

Town authorized to build a sea wall.

empowered, to build a sea wall, palisades or hedge fences, to preserve and secure the whole of Marshfield Beach from the incursions and encroachments of the sea (excepting the sea-shore lying directly between Hewett's and Branches Islands and the sea,) and the same from time to time to repair as occasion may require, and for said purpose to make use of any stones, sand, gravel, or clay there found, and also to take and appropriate all the lumber which may at any time drift on to said beach, unless the same shall be reclaimed by the owner or owners thereof within sixty days.

Penalties for cattle going at large on the beach.

SECT. 2. *Be it further enacted*, That from and after the first day of May next, no neat cattle, horses, or sheep shall be permitted to go at large on said beach; and if any person shall voluntarily turn on to said beach, or any part thereof, any such creatures, he shall forfeit and pay, to the use of said town, for every one of such creatures, excepting sheep, one dollar, and for every sheep twenty-five cents.

Penalties for taking stones, trees or lumber from the beach without permission.

SECT. 3. *Be it further enacted*, That no person, without the permission of the selectmen of said town, or of the committee herein after mentioned for the time being, shall, contrary to the true intent and meaning of this act, dig up, take, or carry away any stones, gravel, sand, or clay, found on said beach, or take or carry away any lumber or wood which may drift on to said beach, unless such lumber may belong to, or have drifted from the possession of such person or persons, or cut or carry away any trees, bushes, or beach grass growing thereon, on pain that every person offending, shall forfeit and pay to the use of said town, at and after the rate of two dollars for every ton of stones, sand, gravel, or clay so dug up, taken, or carried away; and four dollars for every ton of lumber, and one dollar for every foot of wood so taken and carried away; and for cutting or carrying away any trees, bushes or beach grass, growing on said beach, a sum not less than one dollar, nor more than ten dollars, in the discretion of the court who may try the same.

Recovery of penalties.

SECT. 4. *Be it further enacted*, That the penalties aforesaid may be sued for in the name of the treasurer of said town, for the time being, and recovered to the use of said town by action of debt in any court proper to try the same.

Committee may impound cattle.

SECT. 5. *Be it further enacted*, That it shall be lawful for the committee herein after mentioned, or either of them, or any person by them authorized, to take up and impound any neat cattle, horses, or sheep at any time found going at large on said beach, he or they relieving such creatures with suitable meat and water during the time of their confinement, and when any of the creatures aforesaid shall be so impounded, it shall be the duty of the person or persons impounding them, within twenty-four hours, to inform the owner thereof, if known, by leaving a written notification at his usual place of abode; or, if unknown, by posting up a written notification in three public places in said town, which notification shall describe such creatures, and specify the time, place, and cause of impounding them; and if such owner shall not, within three days from the time of leaving or

Notice.

posting up such notifications, pay, or offer to pay to the pound keeper, the penalty or penalties incurred as aforesaid, and also the reasonable expenses of the relief and sustenance of such creatures, together with the pound keeper's legal fees, such pound keeper may proceed to sell such creatures at public auction, first giving notice of the time and place of sale, by posting up a written notification thereof in three public places in said town, at least forty-eight hours before said sale, and after deducting from the proceeds of any such sale, the said penalties, expenses, and fees, together with the costs of such sale, the surplus, if any, shall be paid to such owner, if he shall demand the same within one year after such sale; otherwise it shall be paid into the treasury of the said town of Marshfield, for the use of said town.

Pound keeper
may sell crea-
tures impound-
ed.

SECT. 6. *Be it further enacted*, That said town of Marshfield, at their annual town meeting in March or April, or at any other legal meeting, may choose a committee of one or more persons, whose duty it shall be, to cause the provisions of this act to be carried into full effect, and who shall be sworn to the faithful discharge of that duty, and who are hereby authorized to sue for and recover, in the name of the treasurer of said town, the penalties herein before mentioned.

Committee to
be chosen.

SECT. 7. *Be it further enacted*, That if any person has a legal title in, or to said beach, or any part thereof, he shall have a right to a compensation in damages, to be paid by said town of Marshfield, for any injury he may sustain under any of the provisions of this act, which damages shall be estimated by a jury, to be awarded by the court of common pleas in and for said county, and recovered with costs in the same manner, in which damages are estimated and recovered by persons injured by the laying out of highways: *provided*, application therefor be made by petition to said court, within twelve months from and after the passing of this act, saving to said town of Marshfield the right to contest the title of any such applicant in and to said beach, or any part thereof, by pleading to issue to any such petition, and such issue, whether in law or fact, shall be tried in said court; and either party shall have a right to appeal from the judgment of said court thereon, to the supreme judicial court, in and for said county, and in case such issue be finally determined in favor of such applicant, said court of common pleas shall proceed to award a jury to estimate damages as aforesaid; but if such issue be finally determined against such applicant, said town of Marshfield shall recover against them their costs.

Compensation
for damages.

Proviso.

SECT. 8. *Be it further enacted*, That this act shall be void unless the inhabitants of the town of Marshfield, at a legal town meeting called for that purpose, shall, by a written vote, determine to adopt the same within six months after the passing of this act. [Feb. 21, 1827.] Add. act, 1828 ch. 124.

Condition of
this act.

Chap. 82.

An ACT to authorize the erection of a Dam, across Saggamore Creek.

E. Crane and
E. Glover au-
thorized to
erect dams.

Proviso.

1795 ch. 74.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elijah Crane, and Ezra Glover, their heirs and assigns be, and they are hereby authorized and empowered to build a dam or dams on land, which they or either of them now own, or hereafter may own across Saggamore Creek, so called in the towns of Quincy, and Milton, for the purpose of using the tide waters of said creek in driving a mill or mills, which they may erect on or near said creek : provided, nevertheless, that all owners of lands, that may be overflowed in consequence of the erection of such dam or dams, shall have the same remedy in law against the said Crane and Glover, their heirs, and assigns, as is provided in and by an act, for the support and regulation of mills, and the several acts in addition thereto. [Feb. 23, 1827.]

Chap. 83.

An ACT to incorporate the Mutual Fire Assurance Company of Springfield, and the vicinity.

Persons incor-
porated.

Limitation of
act.

Board of direc-
tors and by-
laws.

Duties and pow-
ers of directors.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zebina Stebbins, Joseph Carew, David Ames, Festus Stebbins, Walter Stebbins, John Newbury, Sable Rogers, Jacob Bliss, and their associates, hereafter shall be a corporation by the name of the "Mutual Fire Assurance Company of Springfield, and the vicinity," and possess all the powers and privileges incident to such corporations, and shall so continue for the term of twenty years from the passing of this act.*

SECT. 2. *Be it further enacted, That said corporation shall choose a board of directors not more than nine nor less than five, and shall establish such by-laws as they may deem necessary : provided, that such by-laws shall not be repugnant to the constitution and laws of the Commonwealth. In all matters decided in any legal meeting of said corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy legally authorized.*

SECT. 3. *Be it further enacted, That the board of directors shall superintend the concerns of said corporation, and shall have the management of the funds and property thereof, and all matters and things thereunto relating not otherwise provided for. They shall have power from time to time to appoint a secretary, treasurer, surveyor or surveyors, and such other officers, agents and assistants as to them may seem necessary, and to prescribe their duties, fix their compensation, take such security from them as they may judge proper for the faithful performance of their respective duties, and remove them at pleasure. They shall determine the rates of assurance, and the sum to be assured on any building, not exceeding three fourths of its value. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationary, and other things needful for the office of said corporation and for carrying on the affairs thereof, and may draw on the treasurer for the pay-*

ment of all losses incurred in transacting the concerns of said corporation. They shall elect one of their own number to act as president and may hold their meetings as often as necessary, and shall keep a record of their proceedings, and a majority of the whole number of directors chosen shall constitute a quorum for the transaction of business.

SECT. 4. *Be it further enacted*, That when the sum subscribed by the associates to be insured shall amount to fifty thousand dollars, said corporation shall then be authorized to insure for the term of six years any dwelling house or other building in the county of Hampden.

Insurance.
[Hampshire
and Franklin
added 1827 ch.
44.]

SECT. 5. *Be it further enacted*, That every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, in addition to the premium, deposit his note without interest for such sum of money as shall be determined by the directors, which shall be payable in part or the whole at any time when the directors shall deem the same requisite for the payment of losses or other expenses, and, at the expiration of the term of assurance, such note or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

Deposit note.

SECT. 6. *Be it further enacted*, That the funds of the corporation shall be vested in stocks or loaned on such security as the directors may order, and the funds shall be appropriated, first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim against the corporation exceeding the amount of the then existing funds, the directors shall without delay assess such a sum as may be necessary on the members, which assessment shall be in proportion to the amount of premium and deposit, but shall not in any case exceed fifty cents on each hundred dollars insured, and the same on each hundred dollars of the deposit note.

Investment of
funds.

Assessments.

SECT. 7. *Be it further enacted*, That all buildings insured by and with said corporation, together with the right, title, and interest of the assured to the lands on which they stand, shall be pledged to said corporation, and said corporation by the policy of insurance shall have a lien thereon against the assured during the continuance of his, her, or their policies, and until the payment of all legal assessments and taxes.

Lien on build-
ings insured.

SECT. 8. *Be it further enacted*, That whenever any member shall recover judgment, and the directors shall neglect to satisfy and pay the same, within ninety days after demand made for that purpose on the treasurer, directors, secretary, or any director of said corporation, then the execution issuing upon such judgment may be levied upon the private property of any of said directors, to the amount of the excess of the funds of the corporation, together with the amount of all the assessments they are authorized to make, over and above the amount due on judgment previously demanded, and any director who may have his pro-

Liability of di-
rectors.

party taken may sustain an action on the case, to recover compensation therefor of the corporation, or a proportional part thereof and contribution therefor of the directors.

Persons losing to give notice.

SECT. 9. *And be it further enacted*, That whenever any person shall sustain any loss of property by fire so insured, he or she shall, within thirty days after, give notice of the same to such of the directors as shall be agreed upon by the said corporation for that purpose, whose duty it shall be immediately to view where the fire happened, and to inquire into the circumstances attending the same, and determine in writing under their hands the amount, if any, of the liability of said corporation for such loss; and if the sufferer shall not acquiesce in their determination, he or she, within thirty days after such determination is made known, may bring an action at law against said corporation for such loss, before any court of competent jurisdiction within the county of Hampden, and in case the sufferer shall not by verdict of a jury recover more than the damage determined upon by the directors as aforesaid, the plaintiff in such action shall have judgment upon the verdict; but the corporation shall recover their costs, and execution shall issue for the balance in favour of the party entitled to recover it.

Settlement of loss.

Liability to be taxed.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to be taxed by any general law of the Commonwealth providing for the taxation of all similar corporations, and any two persons named in this act may call the first meeting of said corporation, by giving notice thereof in either of the newspapers printed at Springfield, four days at least previous to said meeting. [Feb. 23, 1827.] Add. act, 1827 ch. 44.

First meeting.

Chap. 84.

An ACT to incorporate the Saxonville Parish in the Town of Framingham.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Stone, Eliphalet Wheeler, F. A. Bertody, Jas. Stimpson, Burleigh Bullard, John Whitney, Edward Warren, John Rice, Dexter Fairbanks, Isaiah Wild, Henry Daleiker, William Phillips, Lyman Morse, and all others, who have or may associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the Saxonville Parish in the town of Framingham, with all the privileges, powers, and immunities to which other religious societies in this Commonwealth are entitled by the laws and constitution thereof.

Powers and privileges.

Estate.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estates real or personal, for the use of said society, the annual income of which shall not exceed two thousand dollars.

First Meeting.

SECT. 3. *Be it further enacted*, That any two of the above named persons are hereby authorized to notify the members of said corporation, by posting notice of the time and place of holding their first meeting, at the meeting-house door in said Framingham, near the Saxon Factory, seven days at least before such

meeting, and that the said society may, at such or any other meeting, agree on the mode of calling future meetings, and elect a clerk and treasurer, and such other officers, and such committees, and establish such rules and by-laws, not inconsistent with the constitution and laws of the Commonwealth, as they may see fit, and may annul and change the same at their pleasure. [Feb. 23, 1827.]

An Act to prevent the taking of Fish by seines or nets in Congamou Ponds in Southwick.

Chap. 85.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons to catch any fish with seines or nets, in the Congamou Ponds in Southwick, and if any person or persons shall catch any fish with a seine or net in the ponds aforesaid, he or they shall forfeit a sum not less than five dollars, nor more than twenty dollars, for each and every such offence, to be recovered by an action of debt to the use of him or them who shall sue for the same. [Feb. 23, 1827.]

The use of
seines forbid-
den.

Penalty.

An Act to provide for the payment to the County of Worcester for the use of their House of Correction.

Chap. 87.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be allowed and paid to the treasurer of the county of Worcester from the treasury of this Commonwealth, for the use and occupation of so much of the house of correction in said county, as has been used by the convicts sentenced to the same by the justices of the supreme judicial court, or either of them, since the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty-four, at the rate of three hundred dollars per annum; and his excellency the governor, by and with the advice of council, is hereby authorized to draw his warrant on the state treasurer for such sum as may be due to the county of Worcester, for the use, by the Commonwealth, of their house of correction, agreeably to the provisions of this act. [Feb. 23, 1827.]

Worcester
county to be
paid \$300 a
year for use of
house of correc-
tion.

An Act to establish the Hoosac Mountain Turnpike Corporation.

Chap. 89.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Consider Scott, Ebenezer Thayer, Joseph P. Allen, Calvin B. Hawkes, Anson Mayhew, George Mayhew, Sylvester Maxwell and Joseph Merrill, and all such other persons as shall associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the "Hoosac Mountain Turnpike Corporation," for the purpose of making a turnpike road from Charlemont in the county of Franklin, to Adams in the county of Berkshire, beginning at a large rock on the north bank of Deerfield river, near the dwelling-house of Hepzibah Rathbone, in Charlemont, thence crossing Deerfield river in the most suitable and convenient place to the

Persons incor-
porated.

Powers and
privileges.

1804 ch. 125.

mouth of Cold river, thence westerly near said river to Haskin's tavern, on the top of the mountain, thence westerly in the most convenient route to the north branch of Hoosac river, thence following the course of said branch, to the north village of Adams: and shall have all the powers and privileges, and be subject to all the requirements prescribed and contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto.

Rates of toll.

[*Increased
1828 ch. 28.]

SECT. 2. *Be it further enacted*, That when the said road shall be sufficiently made, and shall be allowed and approved agreeably to the provisions of the act aforesaid, the said corporation shall be authorized to erect one gate, and at the same shall be entitled to demand and receive of each traveller or passenger the following rates of toll,* to wit: for every coach, phaeton, or other four wheeled carriage, drawn by two horses, twenty-five cents, and for each additional horse, six and a quarter cents; for each cart or wagon, drawn by two horses or oxen, twelve and a half cents, and for each additional horse or ox, six and a quarter cents; for each curriele, sixteen cents; for each chaise, chair or sulky, twelve and a half cents; for all four wheeled carriages drawn by one horse, seven cents; for each sleigh or sled, drawn by two horses or oxen, ten cents, and for each additional horse or ox, four cents; for each sleigh, sled or cart, drawn by one horse, seven cents; for each man and horse, six and a quarter cents; for all sheep and swine, three cents by the dozen; for horses and neat cattle, exclusive of those rode on, and in carriages, two cents each; for each foot passenger over the bridge across Deerfield river, two cents.

Legislative
control.

Proviso.

SECT. 3. *Be it further enacted*, That nothing in this act contained, shall deprive the Legislature of this Commonwealth of the power to authorize the appropriation of the whole or any part of the land, over which the said turnpike may be located, for the purpose of constructing a railway upon and over said land: *provided, however*, that if the said land shall ever be appropriated for the purpose aforesaid, the said turnpike corporation shall receive an adequate compensation for any damage they may thereby sustain, to be determined in such manner as the Legislature shall appoint. [*Feb. 23, 1827.*] Add. act, 1828 ch. 28.

Chap. 91.

An ACT to incorporate the Massachusetts Charitable Eye and Ear Infirmary.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Welles, Benjamin Joy, Robert G. Shaw, Samuel H. Walley, Edward Tuckerman, Lucius M. Sargent, Bryant P. Tilden, Edward H. Robbins, Jr., James C. Merrill, and Charles P. Curtis, Esqrs., with Edward Reynolds and John Jeffries, physicians, all of the city of Boston, together with their associates, be, and they are hereby incorporated and made a body politic, for the purpose of gratuitously relieving and curing dis-

cases of the eye and ear, and of enabling poor persons afflicted with such diseases to submit to a course of medical treatment for the same, by the name of "the Massachusetts Charitable Eye and Ear Infirmary," and that they, their associates and successors, shall have perpetual succession by the said name, and shall have power to make by-laws for the preservation and advancement of said institution, not repugnant to the constitution and laws of this Commonwealth. By-laws.

SECT. 2. *Be it further enacted*, That the said corporation be, and it is hereby authorized and empowered to make, appoint and have a common seal, and is hereby made liable to be sued, and enabled to sue and defend in its corporate capacity, in any of the courts of record in this Commonwealth; and is hereby licensed and empowered to make purchases and to receive grants, devises and donations of real estate, to the amount not exceeding thirty thousand dollars, and personal estate to an amount not exceeding seventy thousand dollars. Real and personal estate.

SECT. 3. *Be it further enacted*, That the said corporation shall meet at Boston on the last Thursday of October annually, for the purpose of choosing by ballot twelve managers, a secretary, and a treasurer; and public notice of the time and place of holding such meetings, shall be given, once at least, in two of the newspapers published in Boston, seven days before the day of meeting, and votes may at all elections be given in person or by proxy. Annual meeting.

SECT. 4. *Be it further enacted*, That the business of said managers shall be to appoint surgeons, and when they deem it expedient, an apothecary of said infirmary, to provide medicines and surgical instruments, to distribute money among poor patients, to defray expenses of board whilst under treatment, and to regulate all other affairs of the institution; any three of said managers shall constitute a quorum, and all legal instruments which they shall make and execute, shall, when signed by their president or chairman, and sealed with their common seal, bind the said corporation, and be valid in law. Powers and duty of managers.

SECT. 5. *Be it further enacted*, That Edward Tuckerman, Esq., be, and is hereby authorized, by public notice, in two of the Boston newspapers, to call the first meeting of said corporation, at such time and place as he shall judge proper, at which meeting the said corporation shall have all the power vested in them at their stated annual meetings in October, but the officers then chosen shall not continue in office longer than the next meeting in October, unless re-elected. First meeting.

SECT. 6. *Be it further enacted*, That this act may be amended or repealed at the pleasure of the Legislature. [Feb. 23, 1827.] Legislative control.

Chap. 93.

An ACT to incorporate the Proprietors of Norfolk House.

- Persons incor-
porated.** **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Sherman Leland, Charles Davis, Samuel I. Gardner, John Champney and David A. Simmons, and such others as may be associates with them as proprietors, their successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the Proprietors of Norfolk House, for the purpose of erecting, holding and managing a house of public entertainment and its appropriate appurtenances, and by that name may sue and be sued, defend and be defended, and may do and suffer such acts and things as other bodies corporate may do and suffer, may have a seal, and make all necessary by-laws: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.
- General powers.** **SECT. 2.** *Be it further enacted,* That said corporation may take and hold, in fee simple or otherwise, all or any part of that real estate in Roxbury, known by the name of the Ruggles estate, not exceeding twenty rods in front on the highway leading to Dedham, one hundred and fifty rods on the highland road, sixty roods [rods] on land of Benjamin F. Copeland, and one hundred and fifty rods on land of Martha Ruggles and the heirs of William Lambert: *provided*, the same be acquired by legal grant; and shall have power to improve and manage the same for an hotel, and to sell and dispose of the same at pleasure: *provided, further*, that the whole amount of estate of said corporation, real and personal, shall not exceed the sum of forty thousand dollars.
- Real estate.** **SECT. 3.** *Be it further enacted,* That the proprietors, at any legal meeting, may determine the number of shares said estate shall be divided into, and the mode of transferring the same, which shares shall be deemed personal estate, and be subject to attachment and sale, in like manner as the shares of debtors in other incorporated companies, and said real and personal estate of said corporation shall be liable to be taken on mesne process or execution, and set off or sold in the same manner as the property of individuals is, or shall be by law.
- Proviso.** **SECT. 4.** *Be it further enacted,* That said corporation may, from time to time, assess upon the stockholders, such sum not exceeding three hundred dollars on each share, for the purchase, improvement and management of their estate, as may be deemed needful, and may dispose of the shares of delinquents, as the corporation, by their by-laws, shall determine.
- Shares.** **SECT. 5.** *Be it further enacted,* That either of the persons named in the first section of this act, may call the first meeting, by advertising the same in any newspaper printed in the county of Suffolk or Norfolk, and each member shall be entitled to one vote for each share, and the corporation, at the first meeting, and afterwards annually on such day as may be established by the by-laws, may choose a treasurer, clerk, and such other officers
- Corporate estate liable to attachment and execution.**
- Assessments.**
- First meeting.**

as they see fit, and the clerk shall be under oath, and they may also determine the mode of calling future meetings.

SECT. 6. *Be it further enacted*, That all covenants and contracts made by, and debts due from said corporation, shall be binding on one and all of the persons, who shall be stockholders when such contracts are made, as fully as if such contracts had been made by said stockholders individually, and the Legislature shall have authority to alter, amend or repeal this act at any time hereafter : *provided, however*, that any act of the Legislature, repealing this act, shall have the effect of vesting all the real and personal estate of said corporation in the individual members thereof, and their legal representatives, in the same proportions as they shall at the time of such repeal respectively hold the stock of said corporation. [March 2, 1827.]

Contracts binding on stockholders individually.

Legislative control.

An ACT authorizing the Town of Cambridge to establish a Board of Health.

Chap. 94.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Cambridge, qualified to vote for town officers may, in the month of March or April annually, in town meeting assembled, elect, by ballot, five or seven able and discreet persons, being freeholders, and residents in said town, to be a board of health, whose duty it shall be, when notified by the town clerk of their election as aforesaid, to meet within six days after such notice, and organize themselves by electing a president and secretary. The secretary thus chosen to be sworn to the faithful discharge of the duties of said office, which oath shall be entered and subscribed by such secretary, on the records of said board, and attested by the person administering the same ; and a certificate from the records of said board, shall be received and admitted as evidence in all cases relating to the proceedings of said board. On the death or resignation of any member of the said board of health, such vacancy shall be filled by election by ballot, at the next town meeting which may be holden after such vacancy, and a majority of the board shall be competent to transact any business which the whole board could transact.

Election and organization of a board of health.

Vacancies how filled.

SECT. 2. *Be it further enacted*, That the said board of health shall have power, and it is hereby made their duty to examine into all causes of sickness, nuisances and sources of filth, that may be injurious to the health of the inhabitants of the town of Cambridge, which do or may exist within the limits of said town, or in any vessel at any wharf within the limits thereof ; and the same to destroy, remove or prevent, as the case may require ; and all the expenses attending the same to be paid by the person or persons who caused such nuisance to exist, if known, and if not known, such expenses to be paid by the town ; and in all cases where such nuisance, source of filth, or cause of sickness, shall be found on private property, the owner or occupier thereof, on being notified by the authority of said board, and ordered to destroy or remove the same, shall forth-

Power and duty of the board of health.

with remove or destroy such filth or nuisance ; and in case such owner or occupier shall refuse or neglect to remove such filth, nuisance or cause of sickness, from his, her, or their property, within the time specified by said board, he, she, or they so offending shall forfeit and pay a fine, of not less than five dollars, nor more than one hundred dollars, to be sued for and recovered by said board of health in manner hereafter directed ; and any two members of said board may cause the same nuisance to be removed or destroyed as the case may require ; and all costs or expenses, incurred in removing or destroying the same, shall be paid by such owner or occupiers, on whose premises, or in whose possession such cause of sickness, nuisance, or source of filth may be found ; and the said board may have power to appoint scavengers when necessary to carry into effect the requirements of this act, and the same to remove and substitute others at the pleasure of the board.

Board may appoint scavengers.

Power to remove nuisances.

Proceedings when admittance is refused.

Justice's warrant.

SECT. 3. *Be it further enacted*, That the said board of health shall have power to seize, take and destroy, or remove to any safe place within the limits of the town, or cause the same to be done, any unwholesome and putrid or tainted meat, fish, bread, vegetables, or other articles of the provision kind, or liquor, which in their opinion (first consulting some respectable physician of the town of Cambridge,) shall be injurious to the health of those who might use them, and the cost of seizing, taking, destroying, or removing, shall be paid by the person or persons, in whose possession the same unwholesome, putrid or tainted article shall or may be found ; and whenever said board shall think it necessary for the preservation of the lives or health of the inhabitants of said town, to enter forcibly any building or vessel, having been refused such entry by the owner or occupant thereof, within the limits of the town of Cambridge, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said board have reason to believe is contained in such building or vessel, any member of said board, by order of said board, may apply to any justice of the peace, within and for the county of Middlesex, and on oath complain and state on behalf of said board the facts, as far as said board have reason to believe the same, relative to such nuisance, source of filth, or cause of sickness aforesaid, and such justice shall thereupon issue his warrant, directed to the sheriff of the county of Middlesex, or either of his deputies, or to any constable of the town of Cambridge, therein requiring them or either of them, taking with them sufficient aid and assistance, and also in company of said board of health, or any two members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness, is complained of as existing as aforesaid, and there, if found, the same to destroy, remove or prevent, under the directions and agreeably to the order of said board of health, or such members of the same as may be present for such purpose : *provid-*

ed, however, that no sheriff, deputy sheriff, or constable, shall execute any civil process, either by arresting the body, or attaching the goods, and chattels, under color of any entry made for the purpose aforesaid, unless such service could by law be made without such entry ; and all services so made under cover of such entry, shall be utterly void ; and the officers making such service shall be considered as trespassers, and shall suffer the pains and penalties of the law in such case made and provided : and in all cases where such nuisance, source of filth, or cause of sickness, shall be removed as aforesaid, the cost arising in such proceedings shall be paid by the person or persons who caused or permitted the same nuisance, source of filth, or cause of sickness, to exist, or in whose possession the same may be found.

Proviso.

SECT. 4. *Be it further enacted,* That the said board of health shall have power to make such rules, orders and regulations, from time to time, for the preventing, removing or destroying of all nuisances, sources of filth, or causes of sickness, within the town of Cambridge, which they may think necessary ; which rules, orders and regulations, after having been posted up in three or more public places within the town, shall continue in force, and be obeyed by all persons until altered or repealed by said board, or by the said town ; and any person or persons who shall disobey or violate any such rules, orders or regulations, so as aforesaid made, shall severally forfeit and pay a sum for such offence, not less than one dollar nor more than fifty dollars, according to the nature and aggravation of the offence. And for all expenses which may arise in the execution of their duty, the said board of health shall be authorized to draw upon the town treasurer of the town of Cambridge, and the same shall be paid by the treasurer of said town ; and the accounts of said board, including all receipts and expenditures of money shall be examined annually, and reported to the town, by a committee appointed for that purpose.

Board may make rules and regulations.

Penalty for violation of rules. Expenses.

SECT. 5. *Be it further enacted,* That all fines, forfeitures, and sums to be paid, arising under any of the provisions of this act, shall be prosecuted for, by and in the name of the board of health of the town of Cambridge ; and the said board of health shall pursue said prosecution to final judgment, in any court within the county of Middlesex, having competent jurisdiction ; and all monies arising by fines, forfeitures or sums to be paid under any of the provisions of this act, shall enure to the use of the inhabitants of the town of Cambridge, and shall be accounted for by said board to the treasurer of said town.

Fines how recovered and to whose use.

SECT. 6. *Be it further enacted,* That whenever said board shall commence any process against any person or persons under this act, and costs shall be adjudged for the defendant or defendants in such process, and execution issues [issued] thereon shall remain unpaid for thirty days after notice to said board, said defendant or defendants may have and maintain an action of

Defendants may recover costs of board.

Defendants may have action, &c.

debt therefor against said board in their private capacity, before any court of competent jurisdiction in this Commonwealth. [March 2, 1827.] Add. act, 1834 ch. 79.

Chap. 95. An Act to prevent the taking of Sand, Sea-weed, &c., from the Beach and Flats in Plymouth Harbor.

Sand, &c. not to be removed from beach without permission.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, no person shall take from Plymouth Beach so called, or the flats and shoals to the eastward of said beach, within the Gurnet, or from the flats to the westward of said beach, within the limits of the town of Plymouth, any sand, sea-weed, stone, or any other thing, the removal of which would tend to injure said beach, without first obtaining permission from the selectmen of the town of Plymouth.

Penalties how recovered.

SECT. 2. *Be it further enacted,* That if any person shall offend against the provisions of this act, he shall forfeit and pay a sum of not less than ten, nor more than one hundred dollars, for each and every such offence, to be recovered by action of debt in any court proper to try the same, one moiety to the use of any person who shall sue for and recover the same, and the other moiety to the use of the town of Plymouth. [March 2, 1827.]

Chap. 96. An Act in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Globe Bank." 1824 ch. 36.

Increase of capital stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Globe Bank be, and hereby are authorized to increase their present capital stock, by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid, in such instalments and at such times, as the president and directors of said bank may direct and determine: *provided, however,* that the whole amount shall be paid in, within one year from the passing of this act.

Proviso.

Additional stock subject to tax, &c.

SECT. 2. *Be it further enacted,* That the additional stock aforesaid, shall be subject to the same tax, regulations, restrictions and provisions with the present capital stock of said corporation, by virtue of the act to which this is in addition. [March 2, 1827.] Add. act, 1830 ch. 58.

Chap. 97. An Act in addition to an Act entitled "An Act establishing a Fire Department in the city of Boston."

1825 ch. 52.

Members of fire department to produce certificates of membership.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every member of the fire department of the city of Boston, established by the act to which this is in addition, shall be holden to produce, within thirty days after he shall have become a member of said department, and annually in the month of May thereafter, to the commanding officer of the militia company within whose bounds he may reside, a certificate from the

mayor of said city, stating that he is a member of said fire department.

SECT. 2. *Be it further enacted*, That the chief engineer and engineers of said city shall have the same powers and authorities heretofore granted to, and invested in the firewards of the town of Boston, by the act entitled “an act regulating the storage, safe-keeping and transportation of gunpowder in the town of Boston,” or by any other act heretofore enacted on that subject. [March 2, 1827.] Add. acts, 1828 ch. 123 : 1831 ch. 52.

Engineer's powers.

1816 ch. 26.

An ACT to authorize towns in the county of Franklin to associate together to build an Almshouse for the support of their poor.

Chap. 98.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the towns of Greenfield, New Salem, Shutesbury, Leverett, Charlemont, Bernardston, Sunderland, Whately and Gill, in the county of Franklin, or any two or more of them, together with such other towns in said county as may, within one year from the passing of this act, in legal town meeting, vote to unite with them, be, and they are hereby authorized to associate together, for the purpose of purchasing a farm and erecting an almshouse for the support and employment of their poor.

Towns authorized to associate.

[Time extended, 1827 ch. 37.]

SECT. 2. *Be it further enacted*, That the towns which shall associate as aforesaid, are hereby authorized to purchase and take by deed, and hold so much land, and build such almshouse and other buildings as may be necessary to carry into effect the object of their association ; and the expense of such farm and almshouse and other buildings, and of the support and maintenance of such poor as may be sent to the same, shall be apportioned upon and borne by the towns associated for the purposes aforesaid, according to their respective valuations in the state tax.

To purchase land and build almshouse.

SECT. 3. *Be it further enacted*, That the towns associated as aforesaid, may, in the month of March or April, annually, choose their several agents to act in their behalf in all things relating to the said almshouse and farm, and in all contracts respecting the same, which contracts, when made with the concurrence of a majority of the towns associated acting by their agents, shall be binding upon all the associated towns. And if the office of an agent, for any town, shall become vacant, it shall be lawful for such town, at any time in the course of the year, to fill such vacancy : *provided, however*, that no town, in any meeting of such agents, shall be entitled to more than one vote.

To choose agents.

[Agents may be chosen at any town meeting, 1827 ch. 37.]

Proviso.

SECT. 4. *Be it further enacted*, That the towns so associated, may, by their agents, make and establish such by-laws, rules and regulations as may be thought needful for the management of said almshouse and farm, and for the support, employment, and discipline of the poor committed to the same, not inconsistent with the constitution and laws of this Commonwealth ; and the said associated towns respectively, may remove such poor persons as shall become chargeable therein, and having their lawful settlement in said towns, and all state paupers found therein,

By-laws.

Towns refusing to pay their proportion of expense liable to action.

to the said almshouse, at the sole expense of the town removing such poor, and may, by their agents, appoint a superintendent, or master of their almshouse, and such other officers as may be found necessary. And any one of the associated towns refusing to pay its just proportion of any expense incurred in carrying the objects of this association into effect, whenever the same shall have been ascertained and made known to the selectmen of such town by the master of said almshouse, under the direction of the agents of a majority of the said towns, shall be liable to an action for the recovery thereof, in any court proper to try the same. And the said towns, in their associate capacity, shall be capable of bringing actions in the name of the master of the almshouse, and of being sued, and due notice in any suit against the associated towns served upon the master of said almshouse, shall be held to be good and sufficient.

First meeting.

SECT. 5. *Be it further enacted*, That Elijah Alvord, Esq., is hereby authorized to call the first meeting of the agents of the towns that may associate under the provisions of this act, by giving notice of the time and place of such meeting, in writing, to the agents of the said towns duly elected, and also by publication in a newspaper printed in Greenfield, in said county, twenty days at least before the day appointed for such meeting. [March 3, 1827.] Add. act, 1827 ch. 87.

Chap. 99.

An ACT authorizing the First Parish in West Newbury to dispose of their Parsonage Lands.

Authorized to sell parsonage lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the First Parish in West Newbury, be, and hereby are authorized to make sale of their parsonage lands, and buildings: *provided*, the net proceeds of such sale be invested in a permanent fund, the interest of which shall be appropriated towards the support of the gospel in the congregational society in said parish.

Execution of conveyance.

SECT. 2. *Be it further enacted*, That the said parish may authorize their clerk, or such other person or persons as the said parish may appoint, to make sale of the aforesaid parsonage lands and buildings, and also to make and execute the necessary conveyance or conveyances thereof, for, and in the name and behalf of the said parish. [March 3, 1827.]

Chap 100.

1813 ch. 147.

Forfeiture for taking fish with a seine near White's mills.

An ACT to regulate the fishery in Aggawam or Westfield River.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, any person or persons who shall draw a seine, or drag a net within thirty rods of the dam or race-way, at White's Mills, (so called) on Aggawam river, in the town of West Springfield, for the purpose of catching shad, alewives or other fish, shall for each and every such offence, forfeit and pay the sum of five dollars, and shall also forfeit the boat and seine employed for such purpose.

SECT. 2. *Be it further enacted*, That if any person or

persons shall set any pot, nets, weir or hurdle, within thirty rods of said dam or race way, for the purpose of taking fish of any kind, he or they shall for each and every such offence severally forfeit and pay the sum of five dollars for every twelve hours said pots, nets, weir or hurdle shall be placed in said river, and in proportion for a greater or less time.

For setting
pots, &c.

SECT. 3. *Be it further enacted*, That if any person or persons shall in any other way obstruct the free passage of fish through said race way, between the fifteenth day of April, and the first day of June, he shall forfeit and pay for every such offence the sum of five dollars.

For obstructing
passage of fish.

SECT. 4. *Be it further enacted*, That all the fines and forfeitures, incurred by a breach of this act, may be recovered in an action of debt by any person who shall sue for the same before any justice of the peace within the county of Hampden.

Recovery of
fines.

SECT. 5. *Be it further enacted*, That all laws heretofore made, regulating the fishery at White's mills, on Aggawam river, be, and the same are hereby repealed. [March 3, 1827.]

Repeal.

An Act in addition to an Act entitled "An Act to incorporate the Berkshire Medical Institution."

Chap 101.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the "Trustees of the Berkshire Medical Institution," be, and they hereby are authorized and empowered to establish an eye infirmary and general hospital, and to appoint all proper officers, and make, and ordain all rules and by-laws proper for the government and regulation thereof, and not repugnant to the laws and constitution of this Commonwealth.

1822 ch. 43.

Trustees au-
thorized to es-
tablish an eye
infirmary and
general hos-
pital.

SECT. 2. *Be it further enacted*, That the secretary and treasurer of the Berkshire Medical Institution, shall be chosen annually, in the month of April, and shall before entering on the duties of their respective offices be sworn to the faithful discharge thereof, and to keep true records and accounts of the doings, receipts and expenditures of said corporation, which shall be exhibited annually to the said trustees, at the meeting for the choice of said officers, and the treasurer shall also give bonds to the satisfaction of the trustees.

Secretary and
treasurer.

SECT. 3. *Be it further enacted*, That the Berkshire Medical Institution shall have authority, from time to time, to select and appoint a board of visitors to said eye infirmary and general hospital, not exceeding twenty, fifteen of whom shall be from among the donors for the use of said eye infirmary and hospital, and any person may be so elected a visitor for life, who shall have paid for the use of the infirmary and hospital, to the treasurer thereof, one hundred dollars, and any person may be so elected a visitor for a term not exceeding ten years, who shall have paid for the like use fifty dollars, and any person may be so elected a visitor [or] for a term not exceeding five years, who shall have paid for the like use twenty-five dollars, and each of the donors so selected as visitor, shall have a right to keep during the time, for which he is so selected, at said eye infirmary

Board of visit-
ors.

and general hospital, two patients, who shall receive all necessary medical attendance and advice, free from any charge for the same, and if any such superintendent shall be a physician, he shall have a right to attend and witness the practical operations of said eye infirmary and general hospital.

Gratuitous advice.

SECT. 4. *Be it further enacted*, That if any two or more towns in the county of Berkshire, shall hereafter procure a house for the support and employment of the poor of said towns, which shall be accepted and approved by said corporation, as suitable and proper for said purposes, it shall be the duty of said corporation to furnish to the inmates of said house, poor persons supported and maintained therein, medical advice and attendance free from any charge or expense therefor.

Real and personal estate.

SECT. 5. *Be it further enacted*, That said corporation be authorized to hold real estate, not exceeding in value twenty thousand dollars, and personal estate not exceeding thirty thousand dollars, for the use and benefit of the eye infirmary and general hospital, in addition to the funds allowed by the act to which this is in addition, with power to manage and dispose of the same. This act shall be always subject to the controul of the Legislature, and may be at any time altered or repealed. [March 3, 1827.] Add. act, 1837 ch. 143.

Chap 102.

An ACT to incorporate the Newton and Watertown Universalist Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Adams, Ezra Fuller, Elias Jennison, Stephen W. Trowbridge, Thomas Hastings, their associates and successors, be, and they hereby are incorporated into a religious society, by the name of the "Newton and Watertown Universalist Society," with all the powers, privileges and immunities of other religious societies, agreeably to the constitution and laws of this Commonwealth.

Powers and privileges.

Assessments.

SECT. 2. *Be it further enacted*, That said universalist society is authorized and empowered, as they shall determine by a major vote at their March or April meeting annually, to raise such sum or sums as may be necessary for the support of public worship, and other incidental expenses, by a tax on their polls and estates, or on the pews in their house of worship, according to the appraised value thereof.

[Tax on pews for support of public worship repealed, 1834 ch. 105.]

First meeting.

SECT. 3. *Be it further enacted*, That any two of the above named persons are hereby authorized to call the first meeting of said society, by posting a notification thereof at their house of public worship, fourteen days previous to said meeting, for the purpose of choosing such officers as they shall deem expedient, and also for the purpose of determining the mode of calling future meetings. [March 3, 1827.] Add. act, 1834 ch. 105.

An Act to incorporate certain persons for the purpose of building or repairing a Bridge over Parker River, in the town of Newbury, in the county of Essex.

Chap 103.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Plummer, Danl. Plummer, Samuel Newman, David Dole, Richard Jaques, Enoch Plummer, Joseph Farley, Samuel Poor, John M. Plummer, William Dole and Thomas Moody, together with such others as may hereafter associate with them, their successors and assigns, shall be a corporation, by the name of the Parker River Bridge Corporation, and by that name may sue and be sued, to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer, and said corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

Persons incorporated.

Powers.

SECT. 2. *Be it further enacted,* That the said corporation shall be, and are hereby authorized and empowered to repair, rebuild, or make anew the great bridge over the River Parker, in the town of Newbury, and county of Essex, at a place formerly called and known by the name of "Old Town ferry," and said bridge shall be well built, or repaired, with good and sufficient materials, and not less than twenty-five feet wide, and of the same height of the present old bridge, and there shall be not less than six arches in the whole, amounting to two hundred and twenty-five feet; and one of said arches shall be at least forty-five feet wide, for the convenience and accommodation of the boating on said river, all of which said arches shall be well covered with plank, or timber; and shall always keep up a good and sufficient railing on said bridge for the safety of passengers; and said bridge shall at all times be kept in good repair, and when said bridge shall be so built or repaired, the clerk of the said proprietors shall make a return into the office of the secretary of this Commonwealth, of the actual expense of building or repairing the same; and at the expiration of fifteen years from the opening of said bridge for travel, the said clerk shall make a return to said secretary's office, stating the amount of the receipts, expenditures, dividends and disbursements during said term.

Authorized to repair or rebuild bridge.

Clerk to make returns of expenditures and receipts.

SECT. 3. *Be it further enacted,* That for the purpose of reimbursing said proprietors, the money they may expend in building, or repairing, and supporting said bridge, they be, and are hereby authorized and empowered to take and receive, for passing over said bridge, the following tolls, viz.: for each coach, phaeton, or other four wheeled carriage, drawn by two or more horses, twenty cents; for every wagon, drawn by not more than two horses, ten cents, if by more than two horses, twelve and a half cents; for every cart or wagon, drawn by two or four oxen, ten cents, if by more than four, twelve and a half cents; for every chaise, chair or sulky, drawn by one horse, ten cents; for every cart, wagon or truck, drawn by one horse, six cents; for every horse and rider, three cents; for every sleigh or sled,

Tolls.

drawn by one horse, six cents ; for every sleigh or sled, drawn by two or more horses or oxen, eight cents ; for all horses, or mules, or neat cattle, led or driven, one cent each ; for all sheep or swine, for every dozen, three cents : *provided, however*, that the said proprietors may, if they see cause, commute the rates of toll, with any person or persons, or with any company, or corporation, by taking of him, or them, a certain sum, to be paid quarterly, or annually, to be mutually agreed on, in lieu of the tolls aforesaid : *provided, also*, that all persons going to, or returning from, public worship, or military duty, be permitted to pass said bridge free of toll ; and said toll to commence at the day of the first opening of said bridge, and to continue for the term of fifty years ; after that time, said bridge shall revert to the Commonwealth : *provided, nevertheless*, that the Legislature shall have a right, at the end of fifteen years from the opening of said bridge for travel, to regulate anew the tolls to be received for passing the same.

First meeting. SECT. 4. *Be it further enacted*, That any justice of the peace in and for the county of Essex, on application of any three of the proprietors, be, and hereby is authorized to call the first meeting, and the proprietors, at their first meeting, shall elect a clerk to record the transactions of the corporation, who shall be sworn to the faithful performance of the duties of his office, and shall at all times keep a fair record of their doings ; and shall also choose five directors, one of whom shall be president of the corporation, and as such be elected by the board of directors, and also a treasurer, and all other officers that may be necessary ; the first meeting shall be called by publishing an advertisement thereof, in some public paper printed in Newburyport, at least twelve days before the time appointed for holding said meeting, at which, or at any future meeting, said proprietors may agree upon the mode of calling future meetings, and may make such rules, regulations and by-laws, as they may think meet, and may annex penalties thereto, not exceeding five dollars for any offence : *provided*, such rules, regulations and by-laws shall not be repugnant to the constitution or laws of this Commonwealth.

Rates of toll to be written and constantly exposed to view. SECT. 5. *Be it further enacted*, That the rates of toll on said bridge shall be written on a sign-board in large letters, and a sign-board shall be constantly exposed to view, over or adjoining the toll-house that may be erected ; and at all times, when the toll gatherer shall not be attending his duty, the gate shall be left open for the passage of said bridge free of toll : *and provided, also*, that whenever the receipts of toll and income shall have amounted to a sum equal to the expense of building, or repairing, and sustaining said bridge, with nine per cent. on the cost, said bridge shall revert to the Commonwealth for public use.

Right to vote. SECT. 6. *Be it further enacted*, That every proprietor in the said bridge, or his agent duly authorized in writing, shall have a right to vote at all meetings of said corporation, and be entitled to as many votes as he has shares in the same : *provided, however*, that no proprietor shall be entitled to more than ten votes.

SECT. 7. *Be it further enacted*, That if said corporation shall neglect to repair, rebuild, or make anew said bridge, for the space of two years, then this act shall be null and void. [March 3, 1827.]

Condition of
this act.

An Act in addition to "An Act to unite the towns of Dighton and Wellington, in the county of Bristol."

Chap 105.

1825 ch. 101.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the towns of Dighton and Wellington shall be and remain distinct corporations, for two months next succeeding the twenty-second day of February, one thousand eight hundred and twenty-seven, for the purpose of adjusting their corporate concerns, and for no other purpose. [March 3, 1827.] Add. act, 1827 ch. 22.

[Wellington re-
vived, 1827 ch.
22.]

An Act to divide the South Parish in Andover into two parishes.

Chap 106.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That that part of the said south parish herein described be, and hereby is formed into a separate and distinct parish, and shall be called and known by the name of the West Parish in Andover, and shall be bounded as follows, viz: beginning at a stake and stones at the line which divides Tewksbury and Andover, near Aaron Frost's, thence northerly to a hop kiln, near Lieutenant Peter French's, thence easterly to a white oak tree marked, standing on land of David Barker, near the road leading from Holt's bridge to Solomon Holt's, thence northeasterly to the corner of the road leading from the paper mill to Elijah L. Herrick's, thence by said road to the bridge over Shaushin river, near the paper mill, thence down Shaushin river to the line which divides the north and south parishes of Andover, thence northwesterly by the north parish line, to Merrimack river, thence up Merrimack river to Tewksbury line, thence southerly by Tewksbury line, to the first mentioned bound.

West parish
described.

SECT. 2. *Be it further enacted*, That all the inhabitants, within the limits and boundaries aforesaid, shall be considered as belonging to said west parish, and the said parish is hereby invested with all the powers, rights, privileges and immunities with which other parishes in this Commonwealth are invested.

Powers and pri-
vileges.

SECT. 3. *Be it further enacted*, That nothing contained in the provisions of this act shall be construed in any respect to impair or take away the right which the said inhabitants, or any of them now have either at law, or in equity, to their proportional part of the ministerial fund of the south parish in Andover aforesaid, or of the interest and income thereof.

Right to minis-
terial fund pre-
served.

SECT. 4. *Be it further enacted*, That Samuel Merrill, Esquire, or any other justice of the peace for the county of Essex, be, and hereby is empowered to issue his warrant to some principal inhabitant of said west parish, requiring him to notify and warn the inhabitants thereof to meet at such time and place as by said warrant shall be duly specified, and then and there choose

First meeting.

such officers as may be necessary to manage the affairs of said parish ; and the inhabitants qualified by law to vote, being so assembled, shall be, and hereby are empowered to choose such officers accordingly. [*March 3, 1827.*]

Chap 108.

An ACT to incorporate the Tufts Manufacturing Company.

Persons incor-
porated.

Powers and du-
ties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Aaron Tufts, John Jewett, Asa Robinson, Jun., John M. Pratt, and Harvey Conant, together with such others as may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation, by the name of the Tufts Manufacturing Company, for the purpose of manufacturing woollen and cotton yarn and cloth, and making machinery for said purposes in the town of Dudley, in the county of Worcester, and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an act, passed the third day of March, in the year of our Lord eighteen hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.*

SECT. 2. *Be it further enacted, That the said Tufts Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate as may be necessary and convenient for carrying on said manufactures : provided, the value of such real estate shall not exceed one hundred thousand dollars, and the value of such personal estate shall not exceed one hundred thousand dollars. [*March 3, 1827.*]*

Chap 111.

1822 ch. 56.

Directors em-
powered to bind
out children.

An Act in addition to the Act entitled "An Act concerning the House of Industry in the city of Boston."

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the directors of the house of industry, in the city of Boston, shall have and exercise all the powers, and perform all the duties relative to paupers, and the binding out of children and other persons committed to said house of industry for support, as the overseers of the poor of the several towns in this Commonwealth now have and exercise, in relation to paupers and the binding out of children, and other persons, under and by virtue of the several laws of this Commonwealth ; and all acts of said directors shall impose the same duties, liabilities and obligations, on all judicial tribunals, on the city of Boston aforesaid, and on the several towns and individuals of this Commonwealth, as the same acts would impose, if done and performed in the same manner by the overseers of the poor of the several towns in this Commonwealth. [*March 5, 1827.*] Add. act, 1833 ch. 126.*

Chap 112.

An ACT to incorporate the Trustees of the Methodist Episcopal Church in Newbury and Newburyport.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Adams, and Benjamin Brown, of New-*

buryport ; Cutting Pettingale, Josiah P. Noyes and John Thurlow, of Newbury ; and Elias French and Caleb Pike of Salisbury, all in the county of Essex, be, and they hereby are constituted a body corporate and politic by the name of the Trustees of the Methodist Episcopal Church in Newbury and Newburyport, for the promotion of piety, religion and morality ; and they, and their successors shall be and continue a body politic and corporate by that name forever ; and they shall have a common seal, subject to be altered at their pleasure, and they may sue and be sued in all actions, real, personal and mixed, and may prosecute and defend the same to final judgment and execution, by the name aforesaid.

Persons incor-
porated.

General pow-
ers.

SECT. 2. *Be it further enacted*, That the aforesaid trustees, and their successors shall and may annually elect a president, and a secretary to record the doings and transactions of the trustees, and a treasurer to receive and apply the monies or property herein after mentioned, as herein after directed, and any other officer that may be necessary for the managing of their business ; and they may make rules, regulations and by-laws, not repugnant to the constitution or laws of this Commonwealth.

Election of
officers.

SECT. 3. *Be it further enacted*, That the number of trustees shall not at any time be more than nine nor less than five, a majority of whom shall constitute a quorum for transacting business ; and they may and shall, from time to time, fill up vacancies in their number which may happen by death, resignation, or otherwise, as herein after provided ; and such trustees shall annually hold a meeting in March or April, and at such other times as may be necessary, which meetings, after the first, shall be called in such way and manner as the trustees aforesaid shall hereafter direct.

Number of
trustees.

Vacancies.

SECT. 4. *Be it further enacted*, That the aforesaid trustees, and their successors are hereby made capable in law to possess and hold all the property, both real and personal, belonging to the Methodist Episcopal Church in Newbury and Newburyport, in trust forever, for the use and benefit of the members, for the sole purpose of promoting the public worship of Almighty God, according to the doctrines and discipline of said church, and in further trust and confidence that whenever one or more of said trustees shall die, or, from any cause, cease to be a member or members of said corporation, then, and in that case the vacancy shall be supplied according to the direction given in the discipline of said church.

Property of
M. E. Church.

SECT. 5. *Be it further enacted*, That any gift, grant, bequest or devise made, or that hereafter may be made, to the said trustees or their successors, shall be valid and effectual to all intents and purposes whatever ; and they are hereby empowered to hold real and personal estate, the annual income of which shall not exceed two thousand dollars : *provided*, that the entire income be strictly appropriated to promote the objects of this corporation, and also that the gifts, grants, or donations be faithfully applied according to the real intent of the donor.

Real and per-
sonal estate.

Proviso.

SECT. 6. *Be it further enacted*, That all deeds and in-

Deeds, &c.

struments which the said trustees may lawfully make in their said capacity, shall, when made in their name, and signed and sealed with their corporate seal, and delivered by them, be binding on said trustees, and their successors, and valid in law.

Corporation
vested with the
powers granted
by 1793 ch. 44.
(v. 1. p. 490.)

SECT. 7. *Be it further enacted*, 'That said corporation be, and they hereby are vested with all the powers, rights and privileges granted to other religious corporations in Newburyport, by the act passed in the year one thousand seven hundred and ninety-four, entitled "an act for incorporating the several religious societies in Newburyport, in the county of Essex," and to the several powers and privileges conferred on other religious societies in this Commonwealth by the acts in relation thereto.

First meeting.

SECT. 8. *Be it further enacted*, That Elias French, before named, be, and he is hereby authorized to appoint the time and place for holding the first meeting of said trustees and to notify them thereof.

SECT. 9. *Be it further enacted*, That the Legislature may alter, amend, or repeal this act at pleasure. [March 5, 1827.]

Chap 113.

1822 ch. 43.
1825 ch. 46.

An Act in addition to an Act to incorporate the Boston and Springfield Manufacturing Company.

Name altered.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, 'That the Boston and Springfield Manufacturing Company shall, from and after the first day of July next, be known and called by the name of the Chickapee Manufacturing Company ; and by that name be subject to all the liabilities and duties, and be vested with all the rights, privileges and property of the said Boston and Springfield Manufacturing Company.

Further power
granted.

SECT. 2. *Be it further enacted*, That the said company, shall, in addition to powers heretofore granted, have power to manufacture woollen goods, to make and sell machinery, and carry on a bleachery in all its branches. [March 5, 1827.]

Chap 115.

An Act to incorporate the Trustees of the Ministerial Fund of the Congregational Union Society, in Amherst.

Persons incor-
porated.

[Name chang-
ed, 1830 ch.
107.]

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, 'That Oliver Dickinson, Daniel Russell, Jr., Chester Dickinson, Jonathan Smith, Daniel Dickinson, Jonathan Cowles, Henry Weeks, and their successors, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund of the Congregational Union Society in Amherst, and by that name may sue and be sued, plead and be impleaded, and have a common seal, and shall possess and enjoy all such other powers and privileges, as are incident to corporations of a like nature.

Powers and pri-
vileges.

Ministerial
fund.

SECT. 2. *Be it further enacted*, That the said trustees shall have power to take into their hands and possession, all such subscriptions, donations, grants, bequests, and devises, as may have been heretofore made, or may hereafter be made, for the purpose of constituting a ministerial fund, for the use and benefit of said society, the annual income of which shall not exceed the sum of

twelve hundred dollars, and the same to manage and put on interest, and to apply the income and interest thereof annually, for the support of the minister of said society, forever : *provided*, Proviso. that such appropriation shall be conformable to the express condition annexed to such subscriptions, donations, grants, bequests, and devises, as already have been or may hereafter be made to said society, for the purpose aforesaid.

SECT. 3. *Be it further enacted*, That the number of trustees shall never be more than seven, that whenever any vacancy shall occur the same shall be filled by said society, at any regular meeting for that purpose called. That the said trustees shall keep a fair record of all their proceedings, which shall be open at all times to the inspection of the donors and their heirs, and any committee, which may be appointed by said society, to inspect the same. Number of trustees. Records.

SECT. 4. *Be it further enacted*, That said trustees shall annually appoint a clerk, and treasurer, that the clerk shall be a member of said society, and shall be sworn to the faithful performance of the duties of said office, shall have the care and custody of all papers and documents belonging to said trustees, excepting those the care and custody of which are herein after given to the treasurer, and shall carefully and fairly record all their votes and proceedings in a book to be kept for that purpose, and shall certify the same when thereunto required, and shall call meetings as directed by vote of said trustees, and do whatever else may be incident to his office ; and said clerk shall deliver up to his successor in office, as soon as may be, all the papers, records and documents in his hands, in good order and condition, and if he shall neglect so to do for thirty days next after such successor shall be duly appointed, he shall forfeit and pay to the use of said society, the sum of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards ; and the treasurer shall be a member of said society, shall give bond to said trustees and their successors, with sufficient sureties, in such penal sum as they shall require, with condition to do and perform all the duties incumbent on him as treasurer, and he shall be the receiver of all monies and effects due, owing and coming to them, and may demand, sue for, and recover the same in their name, unless prohibited by them ; and he shall have the care and custody of the monies and effects, obligations, and securities for the payment of money, or other things, and evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, and the same shall be kept on the files of the clerk of said trustees, and he shall deliver up to his successor in office, as soon as may be, all the books and papers, property and evidences of property in his hands, in good order and condition, and if he shall fail to deliver the same as aforesaid, for the space of ten days next after such successor in his said office shall be duly chosen, he shall Clerk and treasurer.

forfeit and pay to the use of said society, the sum of fifty dollars, and a further sum of thirty dollars per month, for such failure or neglect thereafter.

Statement of
funds, and re-
port of trustees

SECT. 5. *Be it further enacted*, That said trustees shall cause to be recorded and kept in their book of records by their clerk, a correct statement of the funds and estate in their hands, wherein shall be particularly designated the nature and amount of each original grant, donation, devise or bequest ; the period when made ; the design thereof ; the name of the grantor, donor, devisor, or testator ; and they shall make a report, annually, to said society, at their annual meeting, to be holden in the month of March or April, of the state and condition of the funds, with a specific estimate of what estate they actually hold, and by what tenure ; what money and effects are due to them, and how they are secured, and what receipts, and what disbursements have been by them received, and made by them during the year preceding the time of making such report.

By-laws.

SECT. 6. *Be it further enacted*, That said trustees may make rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth ; may receive real estate by way of gift, devise, or purchase, and alienate the same by good and sufficient deed or deeds.

Mismanage-
ment of the fund

SECT. 7. *Be it further enacted*, That in no case shall the principal of said fund be expended, unless the original terms and conditions of any particular grant, donation, conveyance, devise, or bequest, shall require or allow it, and in case said fund shall be mismanaged, or the income appropriated contrary to this act, or to the original directions of the grantors, donors, devisors or testators, said society, or any of the grantors, donors, devisors or testators, or his or their heirs, or any of them, may have and file a bill in equity, against the said trustees, or any one or more of them, specifying as distinctly as may be such mismanagement, misappropriation or neglect, before the supreme judicial court, holden for the county of Hampshire, and the said court is hereby authorized to hear and determine the same, and to exercise jurisdiction thereon according to the rules of proceeding in chancery, and to decree as equity and good conscience shall require ; each of said trustees to be responsible for his own acts and not for one another, and any sum of money awarded or decreed to be paid by any of said trustees, shall be for the benefit of said fund and be paid over accordingly ; and a final decree against any one of said trustees for mismanagement in said office, shall *ipso facto* be a disqualification for his acting as trustee, and vacate his office.

Vacancies.

SECT. 8. *Be it further enacted*, That whenever any of said trustees shall cease to be a member of said society, his office shall thereby become vacant, and said vacancy shall be filled as herein before provided, and whenever, in the judgment of the majority of said board of trustees, any trustee, by reason of age or infirmity, shall become disqualified to perform the duties of his appointment, his office shall be declared vacant, and the vacancy shall be filled as herein before provided ; and said trustees, their

agents, officers and attornies, shall never receive any compensation for their services from the proceeds of said fund.

SECT. 9. *Be it further enacted*, That any justice of the peace for the county of Hampshire, upon the application of any two or more of said trustees, is hereby authorized and empowered to issue his warrant, directed to one of the trustees named in this act, requiring him to notify the first meeting of the said corporation, to organize the same by the establishment of by-laws, and the appointment of its officers : *provided, also*, that this act shall be subject to revision, alteration or repeal, at the pleasure of the Legislature at any time hereafter. [*March 6, 1827.*] Add. acts, 1827 ch. 11 : 1830 ch. 127.

First meeting.

Proviso.

An Act in further addition to an Act, entitled "An Act to incorporate Stephen Higginson and others into a company by the name of the Boston Marine Insurance Company."

Chap 118.

1793 ch. 50.
(v. 2. p. 265.)
1803 ch. 123.
(v. 3. p. 384.)
1808 ch. 3.
1817 ch. 4.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Boston Marine Insurance Company be, and they hereby are authorized to lay out and invest in a building and out-houses, to be erected by said corporation, upon their land in said Boston, for their convenience and accommodation in carrying on their business, a sum not exceeding thirty thousand dollars of their stock, in addition to the amount they have already invested in the purchase of said land. [*March 8, 1827.*] Add. act, 1827 ch. 41.

An Act to incorporate the Wolf Hill Lead Mine and Manufacturing Company.

Chap 119.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lewis S. Coryell and Jonathan Parry, and their associates and successors, be, and they hereby are made a corporation, by the name of the Wolf Hill Lead Mine and Manufacturing Company, for the purpose of mining and manufacturing ores from mines in the town of Southampton, in the county of Hampshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incor-porated.

Powers and du-ties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and they may be lawfully seized and possessed of such real estate in said Southampton as may be necessary and convenient for the purposes aforesaid, not exceeding the value of fifty thousand dollars. [*March 8, 1827.*]

Capital stock.

Real estate.

An Act in addition to an Act to prevent the destruction of Oysters and other shell fish in this Commonwealth.

Chap 120.

1795 ch. 71.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the provisions, restrictions, and penalties of, and pro-

ceedings directed in, the act to which this is in addition, be, and the same are hereby extended to the town of Dighton, in the county of Bristol. [*March 8, 1827.*]

Chap 123. An Act to incorporate the Trustees of the Ministerial Fund, in the Fifth Parish in Gloucester.

**Persons incor-
porated.** SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Burns, Solomon Choate, Isaac Dennison, Nehemiah Knowlton, Jabez R. Gott, George Dennison, John Gott, William P. Burns, John Wallis, Jabez Rowe, Jr., Thomas O. Marshall, Reuben Brooks, Jr., Levi Sanborn, Jr., Solomon Choate, Jr., and Josiah Haskell, Jr., inhabitants of the Fifth Parish in Gloucester, be, and they hereby are, constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund in the Fifth Parish in Gloucester, and they and their successors, shall be, and continue a body politic and corporate, and have perpetual succession, for the due and faithful management of said trust; and they are hereby vested with all powers incident to corporations, and subject to the duties and obligations herein after mentioned.

Powers.

**Annual meet-
ings.** SECT. 2. *Be it further enacted,* That the said trustees shall, in the month of January annually, and at such other times as may be found necessary for the transaction of their business, hold meetings in the said parish; all such meetings to be called and notified, pursuant to such regulations and by-laws, as may be agreed upon and established by said trustees. And the said trustees may and shall at such meetings in January annually, elect a president, a clerk to record the transactions of the trustees, a treasurer, who shall give such security for the faithful performance of the duties of his office, as may be required by the by-laws of said corporation, and such other officers as they may deem expedient.

**Election of of-
ficers.**

Quorum. SECT. 3. *Be it further enacted,* That eight trustees may constitute a quorum for the transaction of business. And the said trustees shall and may, at a meeting regularly called for that purpose, fill up any vacancies which may happen in their number by death, resignation, or removal from the parish, each person, so chosen, to be an inhabitant within and a member of the said parish, to be chosen by ballot, and to receive the votes of eight at least of said trustees.

Vacancies.

**Trustees em-
powered to re-
ceive fund.** SECT. 4. *Be it further enacted,* That the trustees aforesaid, and their successors in office be, and they hereby are invested with power to demand, recover and receive the subscription or mutual covenant and agreement of the Rev. David Jewett, John Burns, John Gott, David Brooks, and others, bearing date the twenty-ninth day of March, A. D. 1826, and also all the estate, monies, obligations and securities, belonging to, or which may be derived from the said subscription, covenant and agreement, the sums therein subscribed, now amounting to six thousand, three hundred and ninety-seven dollars, subscribed and given towards

establishing a permanent fund for the support of the gospel ministry in said fifth parish in Gloucester, to hold the same, as such, for the purposes herein after mentioned. And the said trustees may and shall receive and hold all other gifts, grants, bequests and devises, which may hereafter be made for the support and maintenance of the ministry in said parish, and the same to use, and improve and appropriate, in such manner as may be prescribed in such future gifts, grants, bequests and devises : *provided, however,* that the said trustees shall not at any time hold property and estate, the annual income of which shall exceed one thousand dollars. Proviso.

SECT. 5. *Be it further enacted,* That the sums already granted and secured by the mutual covenant and agreement aforesaid, shall be held and improved by the said trustees ; and the income and interest arising thereon shall be received and paid annually by the trustees to the treasurer of the said parish, and shall be by him paid over to the Rev. David Jewett, as part of his salary, conformably to the conditions of his settlement in said parish, so long as he shall continue with them in the ministry ; and after he shall cease to be their minister, the interest arising on said sums shall be annually paid towards the support of a learned, pious, trinitarian, congregational minister, settled by the said parish, and during all vacancies of such a minister settled in said parish, the said trustees shall apply such part of the interest and income aforesaid, as may be necessary for the supply of the pulpit, in said parish ; and the surplus if any, they shall add to the principal of said funds : *provided, however,* that if any part of the principal or interest of the aforesaid subscriptions, shall be applied to any other than the purposes for which they have been respectively given, then the said sums subscribed and given in and by the said covenant, shall revert to the subscribers and donors respectively, in proportion to their several subscriptions, and be recoverable from the said trustees, or any other person or persons holding the same, by each one of the said subscribers, parties to the said covenant, their respective heirs, executors or administrators. And if any part of such other donations as may hereafter be made to said trustees, shall be applied, either the principal or the interest thereof, for any other purposes than those for which they may be respectively given, then such future donation or donations shall in like manner revert to the respective donors, their heirs, executors and administrators. Income, how applied.
Proviso.

SECT. 6. *Be it further enacted,* That it shall be the duty of the said trustees, and their successors, to use, manage and improve such fund and estate as may be vested in them by virtue of this act, with care and diligence, so as best to promote the design thereof ; and they shall be amenable to said parish for negligence and misconduct in the management and disposition thereof. And the inhabitants of said parish may maintain a special action of the case against the persons of said trustees, or against any one of them, as the case may be, for such personal Trustees amenable for misconduct.

negligence and misconduct, for adequate damages ; and any and all sums so recovered shall be applied for the benefit of the fund, and paid to the trustees or their treasurer for the time being.

Loan of fund.

SECT. 7. *Be it further enacted*, That the said trustees may loan the principal of the fund on interest, to be secured by bond or note with sufficient sureties at the discretion of the trustees or by mortgage of real estate within the county of Essex, of double the value of the sum loaned, as collateral security for repayment of the sum loaned, with interest thereon annually, till paid, or they may vest the principal or any part thereof in the public stocks or banks of this Commonwealth ; and they may alienate, by good and sufficient deed or deeds to be executed by them, or a committee duly chosen by them for that purpose, any real estate, the title whereof shall be vested in them by way of mortgage, execution or by operation of law.

Covenant and statement of the fund to be recorded.

SECT. 8. *Be it further enacted*, That the said trustees shall cause to be recorded, in a book to be by them kept, the said mutual covenant and agreement, and also a correct statement of the fund and estate in their hands, wherein shall be particularly designated, (as far as practicable,) the nature and amount of each original subscription, gift, grant, devise or bequest, with such other facts and circumstances as they may think useful and proper to distinguish the same and perpetuate the remembrance thereof. And the said trustees shall make report of such statement to the inhabitants of the parish annually, at their meeting in March or April, and shall exhibit to the said parish their account with the treasurer of the parish, and the said parish may at their discretion appoint auditors, not exceeding three in number, to examine said accounts, and make report to said parish of the state of the fund, with the receipts and disbursements.

Trustees to make report annually.

By-laws.

SECT. 9. *Be it further enacted*, That the trustees aforesaid be, and they hereby are authorized to adopt such by-laws and regulations as they may deem necessary and proper for the management of the aforesaid ministerial fund : *provided*, the same shall not be in any way repugnant to the constitution and laws of this Commonwealth.

Proviso.

No compensation to be made to trustees.

SECT. 10. *Be it further enacted*, That no compensation shall ever be made to the said trustees or their successors, from the funds or estate that may be in their hands, or the income thereof, except that such allowance may be made to the clerk and treasurer thereof, as the board of trustees may from time to time direct, and the actual expenses necessarily incurred in the performance of the trust, may likewise be paid by order of the trustees.

First meeting.

SECT. 11. *Be it further enacted*, That John Burns, Solomon Choate and Isaac Dennison, or any two of them shall call the first meeting of the said trustees, either in March or April next, by posting up notifications of the time and place of such meeting in two public places in the fifth parish in Gloucester-

ter aforesaid, at least four days before such meeting ; and such meeting may be adjourned from time to time for the purpose of choosing officers, making by-laws, and transacting any other business relating to said corporation. [March 9, 1827.]

An Act to incorporate the Minister, Wardens, Vestry and Proprietors of St. John's Church in Sutton.

Chap 124.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel L. B. Goodwin, David Wilkinson, Amasa Roberts, William Newhall, Harvy Hartshorn, Sylvanus Holbrook, Abraham Chase, John Dudley, Silas Chase, Austin Holbrook, Joshua Armsby, Joshua W. Leland and Samuel Wood, together with such others as have associated, or may hereafter associate with them, and their successors, with their polls and estates, be and they are hereby incorporated into a society or body politic, by the name of the Minister, Wardens, Vestry and Proprietors of St. John's Church in Sutton, with all the powers and privileges, and subject to all the duties and restrictions of other religious societies, according to the constitution and laws of this Commonwealth, and the rights and usages of the Protestant Episcopal Church in the United States of America, and may purchase, receive by gift, or otherwise, and hold, real or personal estate the value of which shall not exceed thirty thousand dollars, for the purpose of building a church, and supporting public worship therein ; may have and use a common seal, and the same alter at pleasure, at any legal meeting of the society ; and may ordain and establish such by-laws and regulations as to them seem necessary and convenient, for the government of said society, and the management of their ministerial and parochial funds : *provided,* such by-laws and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

Estate.

By-laws.

Proviso.

SECT. 2. *Be it further enacted,* That the annual meeting of said society, shall be holden on Easter Monday, at such hour and place, as the wardens and vestry shall notify and appoint ; and at such annual meeting or meetings, or at some adjournment thereof, the members of said society shall choose two wardens, not less than five nor more than nine vestrymen, of whom the minister of said society for the time being shall constitute one, and *ex officio* be moderator, a treasurer, clerk, and other necessary officers, for the management of the affairs of said society, who shall continue in office one year and until others are chosen and qualified in their stead ; also the annual taxes and assessments of the society shall and may be voted and granted, the manner of calling and notifying meetings of said society, and the duties and authorities of the wardens and vestry, and other officers of the society, and the manner in which vacancies happening by death, resignation or otherwise shall be supplied, shall and may be agreed upon and determined by said society.

Annual meeting.

Choice of officers.

Donations.

SECT. 3. *Be it further enacted*, That all gifts, grants or monies received by said society shall be under the direction of the wardens and vestry for the time being, agreeably to the usages of the said episcopal church.

Treasurer to give bond, &c.

SECT. 4. *Be it further enacted*, That the treasurer of said society shall give bond with sureties to the satisfaction of the wardens and vestry for the faithful performance of his duties, in such penal sum as the said wardens and vestry shall determine, and shall receive all monies, subscriptions, donations and securities for real or personal estate, that may hereafter be given, raised or subscribed for the use of said society, and shall have the custody of leases and other written evidence of contracts and debts due to them, and he shall annually, and whenever required by the wardens and vestry, exhibit to them, to be submitted to the society, a detailed account of all monies by him received and paid, and of the state of the funds of the society.

Deeds.

SECT. 5. *Be it further enacted*, That deeds and conveyances agreed upon by the society, shall be made and executed by the treasurer for the time being, to which the seal of the society shall be affixed.

Assessments.

SECT. 6. *Be it further enacted*, That the said society, at any annual meeting, or adjournment thereof, be, and hereby are empowered and authorized, to assess and levy upon the pews of the church about to be erected, such sum or sums of money as may be necessary to pay the salary of the minister, and defraying such other expenses, as the said society may incur, by reason of any repairs or additions to said church, or in support of the public worship of God, according to the principles, rights, and usages of the protestant episcopal church; and all such sums of money as shall be assessed or paid by virtue of this act, shall be apportioned according to a valuation thereof, made by a committee appointed by the said society for that purpose, and recorded in the clerk's book of the society.

Pews of delinquents may be sold.

SECT. 7. *Be it further enacted*, That if the owner or owners of any pew or pews in said church shall neglect or refuse to pay such sum or sums, as may be assessed on such pew or pews, six months after notice of such assessment, the said society are hereby authorized to sell such pew or pews at public auction, by giving three weeks previous notice of the time and place of sale in one of the newspapers published in the county of Worcester, and the money arising from such sale, after first deducting the assessment due on such pew or pews, and the expenses of sale and collection, shall be lodged in the hands of the treasurer of said society, to be paid by him to such delinquent owner or owners on demand.

Right of voting.

SECT. 8. *Be it further enacted*, That any person, who shall become owner of any pew or pews in said church, shall be deemed and become a member of said society, and at all meetings of said society, any member or members thereof, being owners of a pew or pews aforesaid, shall be entitled to as many

votes as the number of pews he or they shall own in said society, and no more ; and every other person who may become a member of said society, agreeably to the provisions of law, and is not at the same time the owner of a pew as aforesaid, shall be entitled to one vote only.

SECT. 9. *Be it further enacted*, That no assessment on the pews of said church, for any of the purposes aforesaid, as mentioned in the sixth section of this act, shall be valid or binding, unless two thirds of the votes of all the pew proprietors in said church shall be in favour of such assessment, allowing one vote to every pew, and any owner or owners of a pew or pews as aforesaid, shall, at all meetings of said society, be allowed to vote by proxy. Assessments,
how valid.

SECT. 10. *Be it further enacted*, That all deeds of pews in the church, which may be executed by the said society, shall be recorded, within three months after the same are executed, in the books of the clerk of said society, and need not be recorded in the office of the town clerk or register of deeds in the county. Deeds of pews,
how recorded.

SECT. 11. *Be it further enacted*, That any justice of the peace for the county of Worcester is hereby authorized, upon application of either of the persons named in this act, to issue his warrant, requiring such person applying aforesaid to notify a meeting of the members of said society, at such convenient time and place as shall be appointed in said warrant, for the election of such officers, and transacting such other business as may be necessary for the due organization of said society. First meeting.

SECT. 12. *Be it further enacted*, That this act may be altered, amended, or repealed, at any time hereafter, at the pleasure of the Legislature. [*March 10, 1827.*] Legislative
control.

AN ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Fall River Bank."

Chap 125.

1824 ch. 135.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Fall River Bank be, and they hereby are authorized and empowered to increase their present capital stock, by an addition of one hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in gold and silver, in such instalments, and at such times, and shall be so disposed of, as a majority of stockholders, at any legal meeting, may direct and determine : *provided, however*, that the whole amount thereof shall be paid in, within one year from the passing of this act. Capital stock
increased.

SECT. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions as the capital stock of said corporation is now liable to by virtue of the act to which this is in addition. [*March 10, 1827.*] Proviso.

Additional
stock liable to
tax, &c.

.Add. acts, 1830 ch. 58, 89 : 1836 ch. 91.

Chap 126.

AN ACT to establish the Ware Village Meeting-house Corporation.

Persons incor-
porated.

Powers.

Real estate.

First meeting.

Legislative
control.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Homer Bartlett, Joel Rice, Samuel Phelps, Alpheus Demond and William Paige, with such others as hereafter may be associated with them, and their successors, be, and they hereby are made a body politic, by the name of "the Ware Village Meeting-house Corporation," and by that name may sue and be sued, have a common seal, and the same alter at pleasure, and may make and ordain such rules and regulations as are not contrary to the constitution and laws of this Commonwealth, and to choose such officers as the good management of said body corporate may at all times require.

SECT. 2. *Be it further enacted,* That the said corporation is authorized to have, hold and possess real estate in the town of Ware, not exceeding in value the sum of ten thousand dollars.

SECT. 3. *Be it further enacted,* That the first meeting of said corporation shall be convened by a warrant to be issued by any justice of the peace for the county of Hampshire, directed to any member of said corporation, requiring him to notify the members of said corporation to meet, at a suitable time and place, to be appointed in said warrant.

SECT. 4. *Be it further enacted,* That this act may be altered, amended or repealed, at the discretion of the Legislature. [*March 10, 1827.*]

Chap 127.

1821 ch. 43.

Capital stock
increased.

Proviso.

Additional
stock liable to
tax, &c.

AN ACT increasing the capital stock of the Franklin Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Franklin Bank be, and hereby are authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, and shall be so disposed of, as a majority of the stockholders, at any legal meeting, may direct and determine: *provided, however,* that the whole amount thereof shall be paid in within one year from the passing of this act.

SECT. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the capital stock of said corporation is now liable to by virtue of this act. [*the act to which this is in addition.*] [*March 10, 1827.*] Add. acts, 1830 ch. 58, 105: 1833 ch. 159.

Chap 128.

AN ACT to incorporate the Trustees of the Methodist Episcopal Society in Weymouth.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Alvah Raymond, William Rice, Urban Rice, Nathaniel Ford, Joseph Dunbar, Cotton Bates and Stephen French, Jun., all of Weymouth, in the county of Norfolk, be, and they are hereby constituted a body corporate and politic, by the name of the Trustees of the Methodist Episcopal Church in

Weymouth, for the promotion of piety, religion and morality ; and they and their successors shall be and continue a body politic and corporate, by that name forever ; and they shall have a common seal, subject to be altered at their pleasure, and they may sue and be sued in all actions, real, personal and mixed, and may prosecute and defend the same to final judgment and execution, by the name aforesaid.

General powers.

SECT. 2. *Be it further enacted*, That the aforesaid trustees and their successors, shall and may annually elect a president, and a secretary to record the doings and transactions of the trustees, and a treasurer to receive and apply the monies or property herein after mentioned, as herein after directed ; and any other officers that may be necessary for the managing of their business ; and they may make rules, regulations and by-laws, not repugnant to the constitution and laws of this Commonwealth.

Election of officers.

SECT. 3. *Be it further enacted*, That the number of trustees shall not, at any time, be more than nine, nor less than five, a majority of whom shall constitute a quorum for transacting business ; and they may and shall, from time to time, fill up vacancies in their number, which may happen by death, resignation, or otherwise, as herein after provided ; and such trustees shall annually hold a meeting, in March or April, and at such other times as may be necessary, which meetings, after the first, shall be called in such way and manner as the trustees aforesaid shall hereafter direct.

Number of trustees.

Annual meeting.

SECT. 4. *Be it further enacted*, That the aforesaid trustees, and their successors, are hereby made capable in law to possess and hold all the property, both real and personal, belonging to the methodist episcopal society in the town of Weymouth, in trust forever for the use and benefit of the members, for the sole purpose of promoting the public worship of Almighty God, and in further trust and confidence that whenever one or more of said trustees shall die, or from any cause cease to be a member or members of said corporation, then, and in that case, the vacancy shall be supplied according to the directions given in the discipline of said church.

Trustees made capable to hold property of M. E. society.

SECT. 5. *Be it further enacted*, That any gift, grant, bequest or devise, made, or that hereafter may be made to the said trustees, or their successors, shall be valid and effectual to all intents and purposes whatever ; and they are hereby empowered to hold real and personal estate, (the annual income of which shall not exceed two thousand dollars :) *provided*, that the entire income be strictly appropriated to promote the objects of this corporation, and also that gifts, grants, or donations be faithfully applied according to the real intent of the donor.

Donations.

Proviso.

SECT. 6. *Be it further enacted*, That all deeds and instruments which the said trustees may lawfully make, in their said capacity, shall, when made in their name, and signed and sealed with their corporate seal, and delivered by them, be binding on said trustees and their successors, and valid in law.

Deeds.

Powers and
privileges.

SECT. 7. *Be it further enacted*, That said corporation is hereby vested with all the powers, rights and privileges granted to other religious corporations in this Commonwealth, by their acts in relation thereto.

First meeting.

SECT. 8. *Be it further enacted*, That Alvah Raymond, before named, be, and he is hereby authorized to appoint the time and place for holding the first meeting of said trustees, and to notify them thereof.

Legislative con-
trol.

SECT. 9. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. [March 10, 1827.]

Chap 129.

An ACT to change the names of the several persons therein described.

Names
changed.
Suffolk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the several persons herein named, shall be known and called by the names they are hereby respectively allowed to assume, viz : that Henry Adams, merchant, may take the name of Henry Fosdic Adams ; that Dan Aldrich, may take the name of Lyman Dan Aldrich ; that Thomas Bates, house carpenter, may take the name of Thomas Lathrop Bates ; that John Blake, may take the name of John Harrison Blake ; that Nancy Pierce Blanchard, may take the name of Ann Isabel Blanchard ; that William H. Blanchard, may take the name of Henry Conyngham de Boies ; that James Carney, may take the name of James George Carney ; that Alvar Carter, may take the name of James Wilder Carter ; that Charles Coolidge, may take the name of Charles Leonard Coolidge ; that Mary Crooker, may take the name of Mary Young, and that her son, Charles Turner Crooker, may take the name of Charles Turner Young ; that Hatch Little, may take the name of Henry Hatch Little ; that Henry Jones, may take the name of Henry Augustus Jones ; that John Godfrey Schwab, may take the name of John Godfrey Stanville ; that Enoch Silsby, Jr., may take the name of George Enoch Silsby ; that George Thomas, may take the name of George Priest Thomas ; that Hugh Welsh, may take the name of Henry Welsh ; that George West, may take the name of George Frederick West ; that Albert Judd, may take the name of Albert Judd Wright ; that Gardner Chandler may take the name of his father, Gardner Leonard Chandler ; that Rufus Stillman Dodge, may take name of Stillman Dodge—all of the city of Boston, in the county of Suffolk ; that George Archer, the third, may take the name of George Beckford Archer ; that Edward Brooks, may take the name of Edward Howes Brooks ; that Caroline Augusta Abbot, may take the name of Caroline Abbot Putnam ; that David Putnam Abbot, may take the name of David Abbot Putnam ; that Sarah Putnam Abbot, may take the name of Sarah Abbot Putnam ; that Enoch Morris, may take the name of William Micklefield ; that John Prince, the fourth, merchant, may take the name of John G. Prince ; that Samuel Knap, may take the name of Samuel Hooper Knap ; that Andrew Morgan, Jr., may take the name

Essex.

of Andrew Winslow Morgan—all of Salem ; that Harriet Church Dodge, of Hamilton, may take the name of Phebe Ann Blanchard Faulkner ; that Caroline Northend, of Newbury, may take the name of Caroline Sofriodini ; that Henry Perkins, of Newburyport, may take the name of Henry Coit Perkins ; that William Henry Jennis, of Rowley, may take the name of William Henry Kendall ; that Ezra Worthen Gale, of Amesbury, may take the name of Ezra Worthen—all of the county of Essex ; that Baxter B. Alcock, of Woburn, may take the name of Baxter B. Otis ; that Alvar Alcock, of Malden, may take the name of Alvar Otis ; that Mellen Chamberlain, of Hopkinton, may take the name of Henry Mellen Chamberlain ; that Ben Dix, of Groton, may take the name of Benjamin Perkins Dix ; that Calvin Dodge, of Groton, may take the name of Ira Thayer ; that Phebe Rice Monson, of Framingham, may take the name of Susan Fiske Monson ; that William Mellen, of Sherburne, may take the name of William Henry Mellen—all of the county of Middlesex ; that Eunice Britton, of Western, may take the name of Eunice Allen ; that Mary B. Cole, of Millbury, may take the name of Mary Ann Burnap ; that James McQuin, of Leicester, may take the name of James Jackson ; that Josiah Whitcomb, Jr., of Leominster, may take the name of Alanson Josiah Whitcomb—all of the county of Worcester ; that Vestus Haley, of Russell, may take the name of Vestus Parks ; that Charles Oliver Cyrus Chapin, of Springfield, may take the name of Charles Chapin ; that Pierpont Edwards Bottom, of Monson, may take the name of Pierpont Edwards Bates Botham—all of the county of Hampden ; that Sylvanus White, of Chesterfield, in the county of Hampshire, may take the name of William Foote White ; that Jane Strong, of Greenfield, in the county of Franklin, may take the name of Mary Jane Strong ; that Homer O'Brian, of Great Barrington, may take the name of John Homer O'Brian ; that Sarah Elizabeth Seymour, may take the name of Lucretia Elizabeth Newton ; that Edward Newton Seymour, may take the name of Edward Seymour Newton, both of Pittsfield ; that Egbert French, of Great Barrington, may take the name of Henry Kirke Williams—all of the county of Berkshire ; that Sarah Chase, of Roxbury, in the county of Norfolk, may take the name of Sarah Ann Chase ; that Abby Green Norton, may take the name of Abby Adlington ; that Edmund Green Norton, may take the name of Edmund Green Adlington ; that Timothy Green Norton, may take the name of Timothy Green Adlington ; that Henry Osborn Norton, may take the name of Henry Osborn Adlington—all of Edgartown, in the county of Dukes' County ; and the several persons herein named shall hereafter be called and known by the names which, by this act, they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names. [*March 10, 1827.*]

Chap 130. An Act to establish a Ministerial Fund for the support of the gospel ministry in the First Parish in the town of Medford.

Persons incor-
porated.

Powers and
privileges.

Investment of
funds.

Appropriation
of income.

Parish to have
visitatorial pow-
er and appoint a
committee to in-
spect the doings
of the trustees.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Brooks, Nathaniel Hale, Turill Tufts, Dudley Hale, Nathan Adams, John Symmes, Jr., and Jonathan Porter, and their successors, never however to exceed seven at any one time, which shall form their regular number, be, and they hereby are incorporated into a body politic, by the name of "The Trustees of the Congregational Ministerial Fund for the First Parish in the town of Medford," and by that name may have perpetual succession; a common seal; sue and be sued, plead and be impleaded, receive estates, real and personal, by gift, grant, subscription, devise, bequest, or in any other way, the annual income whereof shall never exceed the sum of one thousand dollars; choose their own officers, and define their several powers and duties, and in general enjoy all the legal rights, and be subjected to all the legal liabilities which belong to corporations of a similar character.

SECT. 2. *Be it further enacted,* That said corporation shall invest all the property, which it shall receive as aforesaid, so that the real estates may yield a fair rent or income, and the whole capital be on interest with ample security for payment; that it shall continually reinvest or add to the capital, all the rents, income, and interest accruing from said property, until the same amount to three hundred dollars annually; that it shall then appropriate two hundred dollars thereof, annually, towards the payment of the salary of the regularly settled congregational minister of the first parish in the town of Medford; that it shall again reinvest and continually add to the capital all the residue of said rents, income, and interest, until the whole amount thereof be four hundred dollars annually; that it shall then appropriate annually, three hundred dollars thereof towards the payment of said salary, and reinvest and add to the capital all the residue, and so on; always increasing said annual appropriations towards said salary one hundred dollars, when said rents, income, and interest shall have increased one hundred dollars annually, until said appropriations shall have become one thousand dollars annually, at which time the increase thereof shall cease, this being the full annual amount, which the minister is ever to receive from said fund.

SECT. 3. *Be it further enacted,* That the oversight or visitatorial power over this corporation shall belong to said first parish; that they may, at either of their regular annual meetings, appoint a committee, consisting of three at least, to look into the doings of the trustees, who shall keep books of records thereof, always open to them for that purpose; that this committee may fill all vacancies which occur at that board by death, resignation, or otherwise, remove any members therefrom who shall act illegally or remissly in office, or become in any way disqualified therefor; and if they shall neglect to fill up these vacancies, for

the space of three months after they occur, the corporation may itself do it ; that they shall receive from said corporation, and pay over to the minister, the appropriations aforesaid, as they arise ; and if the whole amount of said rents, income and interest shall ever be more than one thousand dollars annually, the surplus thereof they may receive, and shall appropriate towards the improvement of church music in said parish, or they may apply it to other parochial charges, if they shall think proper : *provided*, Provisos. *however*, that the corporation shall never pay over to said committee, nor to said parish any one of the appropriations above mentioned, until they know that the appropriations, which they have before paid over for the minister, have been actually received by him : *and provided, also*, that it shall not be in the power of said corporation and parish, or either of them, in any way, to apply said proceeds, or said rents, income and interest, or any part thereof, to the support of any other than a regularly ordained and settled congregational minister ; and if the corporation and parish shall ever thus illegally appropriate the same designedly, the whole property constituting the fund, and all the estates, real and personal, belonging thereto, together with the rents, income and interest which may have been added to them, shall revert to and become again the property of the original donors, or their heirs, to be divided between them in fair proportions ; and during the times when there is no such minister settled in said parish, the corporation shall reinvest and add to the capital all the rents, income and interest in the manner before described.

SECT. 4. *Be it further enacted*, That the provisions of this act may be amended or repealed at the pleasure of any future Legislature. [*March 10, 1827.*] Legislative control.

AN ACT to incorporate the President, Directors and Company of the Mechanics and Traders Bank.

Chap 131.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Robbins, Joseph Cloutman, Thomas Needham, William Foye, Perley Putnam, William Ropes, Junior, their associates, successors and assigns, be, and they hereby are, created a corporation, by the name of the President, Directors and Company of the Mechanics and Traders Bank, and shall so continue, from the passage of this act, until the first Monday of October, which will be in the year of our Lord, one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities which are contained in an act, entitled “an act to incorporate the president, directors and company of the State Bank,” except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited and enacted : *provided*, Persons incorporated. *however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of capital stock actually paid in. Powers and duties. 1811 ch. 84. Proviso.

Capital stock.

Shares, and the
payment there-
of.[*Time extend-
ed, 1827 ch.
112.]

Real estate.

Proviso.

Inspection and
return of capi-
tal.Location and
number of di-
rectors.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of two hundred thousand dollars in gold and silver, to be, besides such part as this Commonwealth may subscribe in the manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times as the stockholders may direct, fifty per centum however to be paid in on or before the first day of July next, and the residue within one year from the passing of this act ; * and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of twenty thousand dollars, and no more at any one time, with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the president, or two of the directors ; and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation : *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver, in the vaults, shall amount to fifty thousand dollars, nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Salem ; and the whole number of directors shall be nine, all of whom shall be resident in the county of Essex, and a majority of the board shall be inhabitants of said town ; and no loan or discount shall be made, nor shall any

bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said bank.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Loans to the Commonwealth.

Proviso.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in two newspapers, printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

First meeting.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Commonwealth may subscribe to capital stock.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have the right from time to time to appoint a number of directors to said bank, in proportion as the sum paid, from the treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Legislature may appoint directors.

SECT. 8. *Be it further enacted*, That the cashier of said bank, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier to give bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the treasurer of this Commonwealth for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Tax.

Corporation liable to pay original amount of altered notes.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration ; and shall also be holden to pay to any *bona fide* holder the amount of any note of said bank counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate ; and that said corporation shall not at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value, expressed in such bill or note.

Condition of this act.

SECT. 11. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Stock not to be sold for one year.

SECT. 12. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year from the passing of this act.

Legislative examination.

SECT. 13. *Be it further enacted*, That any committee specially appointed for that purpose by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults ; and if upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [March 10, 1827.] Add. acts 1827 ch. 112.

Chap 132.

An Act to enable certain persons to use the tide waters between Chelsea and Deer Island for certain purposes.

Persons; authorized to use tide waters.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Robert Gerry of Malden, and Abel Bayrd of South Reading, in the county of Middlesex, with such others as may associate with them, and their assigns, be, and they are hereby authorized to use the tide waters in Boston Harbour, between Chelsea and Deer Island, at a place called Point Shirley Gut, for the purpose of improving and working a newly invented Floating Tide Mill, at any such place or places in said gut, as they may from time to time select therefor : *provided*, that they shall at all times leave sufficient room for vessels, boats and water craft of all kinds, to navigate the gut, aforesaid, and that the right to use the waters as aforesaid, shall exist only during the pleasure of the Legislature : *and provided, further*, that the proprietors of said mill shall first obtain the consent of the selectmen of the town of Chelsea, and the trustees of the Boston Marine Society ; and that said society may at all times have

Provisos.

the right to regulate the location of said mill, or to cause the same to be removed, as they may think proper. [*March 10, 1827.*]

AN ACT to establish the South Boston Mill Corporation.

Chap 133.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George Blake, Francis J. Oliver, Jonathau Hunnewell, Samuel K. Williams, Hall J. How and William Wright, their associates, successors and assigns, be, and they are hereby made a body politic and corporate by the name of the South Boston Mill Corporation, and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution; and said corporation shall have power to make and use a common seal, and the same to break and alter at pleasure, and may, from time to time, make by-laws for the regulation of the affairs of the corporation: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; may purchase and hold real and personal estate, not exceeding in value two hundred thousand dollars, necessary to promote the objects of the corporation, and in general may do and suffer all other acts and things, which bodies corporate may or ought to do or suffer, and be governed in all respects by the laws relative to manufacturing corporations.

Persons incor-
porated.

General pow-
ers.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the said corporation shall have power to build a dam from a place on or near the northerly shore of South Boston, commencing easterly of the street which is the continuation of the Dorchester turnpike, and extending the same at low water mark, not exceeding in any case, one hundred rods from the shore or high water mark, in the natural state of the shore of South Boston, to land of Eleazer Homer, near the easterly point of the shore of South Boston, or to any intermediate point, which dam shall not be less than ten feet wide on the top, and so made as effectually to exclude the tide water, and to form a reservoir or empty basin of such portion of the space between the dam and the shore, as they shall see fit, with all sluice ways, gates and other things to admit and detain the tide waters for the purpose of obtaining water power, and for all manufacturing and for no other purposes; and the said corporation may cut any number of convenient race ways from their full basin to the empty basin aforesaid; may maintain and keep up all their said works forever, and may lease or sell the right of using the water detained within said dam and upon any terms, and in any manner they may think proper; and no person shall have a right to dispose of said water without the consent of said corporation: *provided, always*, that before building said dam, said corporation shall obtain the consent of all persons and corporations owning the flats to be included under and within the same, and also of the city of Boston for the including of any flats, to which they have any legal rights, and provided that nothing in this act shall be taken or deemed as enlarging the rights of said proprietors of said up-

Authorized to
build a dam and
cut race ways.

Proviso.

land, or of the corporation in relation to said flats or the upland, in any respect whatsoever beyond the rights of said proprietors, as they existed antecedently to the passing of this act.

Condition of this act.

SECT. 3. *Be it further enacted*, That if said corporation shall not, within the term of five years from the passing of this act, undertake the erection of either of said dams, then this act shall be void.

Powers and duties.

1808 ch. 65.

SECT. 4. *Be it further enacted*, That said corporation shall be subject to all the duties and liabilities, and have all the rights prescribed in “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto. [*March 10, 1827.*]

Chap 134.

1823 ch. 120.

An Act in addition to an Act to incorporate the President, Directors and Company of the American Bank.

Authorized to increase capital stock.

[Capital reduced, 1830 ch. 14.]

Proviso.

Additional stock liable to tax, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the American Bank be, and they hereby are authorized and empowered to increase their present capital stock, by an addition of two hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, as the president and directors of said bank may direct and determine: *provided, however*, that the whole amount shall be paid in, within one year from the passing of this act.

SECT. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions as the present capital stock of said corporation is now holden by virtue of the act to which this is in addition. [*March 10, 1827.*] Add. acts, 1830 ch. 14 : 58.

Chap 138.

An Act to incorporate the Hadley Falls Company.

Persons incorporated.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Chapin, Stephen Chapin, Warren Chapin, and Alfred Smith, together with such other persons as shall become associates with them, their successors and assigns, be and they hereby are made a corporation, by the name of the Hadley Falls Company, for the purpose of manufacturing cotton and woollen goods, grain, wood, iron and other metals, in the town of West Springfield, in the county of Hampden, and for that purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real and personal estate, not exceeding in the whole the sum of thirty-six thousand dollars in value,

as may be necessary and convenient for the purposes aforesaid.

SECT. 3. *Be it further enacted*, That any one of the persons named in this act, be, and either of said persons is, hereby authorized, to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof to the others, either in person or by writing, any thing in the act aforesaid, defining the general powers and duties of manufacturing corporations, to the contrary notwithstanding. [*March 10, 1827.*] Add. act, 1832 ch. 13. First meeting.

An Act to incorporate the Trustees for perpetuating the Charity of Edward Hopkins.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Quincy Adams, William E. Channing, Samuel A. Eliot, Thomas B. Gannett, John C. Gray, Benjamin Guild, Levi Hedge, Stephen Higginson, Jr., Abiel Holmes, John T. Kirkland, Charles Lowell, Isaac Parker, John Pierce, William Phillips, Andrew Ritchie, Asabel Stearns, Peter O. Thacher, Henry Ware, and William Wells, the present trustees, under a decree of the high court of chancery of Great Britain, for perpetuating the charity of the Honorable Edward Hopkins, of [*to*] Harvard College, be, and they hereby are incorporated and made a body politic, by the name of the Trustees of the Charity of Edward Hopkins; and they, and their successors, shall be, and continue a body politic and corporate, by that name forever, and shall have and exercise all the powers and privileges, and be subject to all the duties and liabilities, incident to corporations.

SECT. 2. *Be it further enacted*, That the said corporation shall never consist of more than twenty-one trustees, seven of whom, including the president, or clerk, or other person having legal possession of the records, shall constitute a quorum; and shall have power to appoint all such officers, and make and ordain all such by-laws and regulations, (not inconsistent with the constitution and laws of this Commonwealth,) as may be deemed needful in relation to the organization of the said corporation, the time and manner of calling meetings, the election, qualification and duty of its officers, the appointment and removal of trustees, and generally, as to the management of all the concerns of said trust, in conformity to the will of the said Edward Hopkins; and the clerk or secretary of said corporation, appointed pursuant to the by-laws thereof, being duly sworn before any justice of the peace, shall have the same authority and power to authenticate by his attestation or certificate all the records, votes and proceedings of the said corporation, that town clerks have in relation to the records, votes and proceedings of their towns; and the doings and proceedings of the said corporation, authenticated by the clerk or secretary thereof, shall be used and received in evidence in the same manner as the doings and proceedings of towns, authenticated by the clerks thereof.

Chap 139.

15 Geo. 11. ch.

8.

1807 ch. 105.

1811 ch. 55 :

113.

1812 ch. 97.

Resolves,

June 17, 1782.

Nov. 14, 1787.

Feb. 12, 1796.

Persons incor-
porated.

Powers and pri-
vileges.

Number of trus-
tees, quorum.

Clerk's certi-
ficate.

Estate, real and personal.

SECT. 3. *Be it further enacted*, That all the estate and property, both real and personal, with all the rights, credits and choses in action, belonging, or in any way appertaining to the said trustees before the passing of this act, with all the remedies for the recovery of the same, shall belong to, and be absolutely vested in the said corporation, to all intents and purposes; and the said corporation shall also be subject to all the obligations, duties and liabilities of the said trustees: *provided, however*, that all actions that may be now pending in any court, either in favour of, or against the said trustees, shall be proceeded in, prosecuted, defended and determined, in the same manner, and the respective parties thereto shall have and exercise the same rights, remedies and privileges, and be subject to the same duties and liabilities, as if this act had not been passed.

Proviso.

Doings of trustees confirmed.

SECT. 4. *Be it further enacted*, That all and singular the acts and proceedings of the said trustees, in the management and execution of the said trust, according to the will of the said Edward Hopkins, and the remaining records thereof, be, and the same are hereby established, confirmed and made valid, to all intents and purposes, notwithstanding the destruction of the said records: *provided, nevertheless*, that this confirmation of the doings of the said trustees shall not operate, or be construed to defeat, diminish, or in any way impair the just rights of any other person or persons whomsoever.

Proviso.

This act to be deemed a public act.

SECT. 5. *Be it further enacted*, That this act, so far as relates to the necessity of pleading the same by the said corporation, or any other person whomsoever, shall be taken and deemed, in all judicial proceedings, to be a public act.

SECT. 6. *Be it further enacted*, That this act shall be subject to be repealed or modified at any future time by the Legislature.

Security for costs to be given by trustees.

SECT. 7. *Be it further enacted*, That whenever said trustees shall commence an action, before any justice of the peace or court in this Commonwealth, such justice or court shall, on motion of the adverse party, in said action, require said trustees to give sufficient security, by endorsement of the writ or otherwise, for the payment of any costs which may be awarded against them in said action; and said trustees, unless they give such security, when thereto duly required, shall become non-suit.

First meeting.

SECT. 8. *Be it further enacted*, That said Stephen Higginson be authorized to call the first meeting of said trustees, by giving each of them personal notice of the time and place of meeting, seven days at least before the same. [March 10, 1827.] See resolve, March 23, 1832, and st. 1833 ch. 71.

Chap 144.

1817 ch. 171.
1821 ch. 26 : 31.
1822 ch. 16.

Certain buildings, how built.

An Act for the protection of the city of Boston against Fire.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That every church, meeting-house, or other place of public worship, school-house, or other public building, every building for distilling or brewing liquors, or baking bread for sale,

or for roasting cocoa for manufacturing the same into chocolate, for making soap, melting tallow, dying, boiling or distilling turpentine, casting brass or iron, refining sugar, making glass for sale, or for chemical works of any dimensions, which shall, from and after the passing of this act, be built within the city of Boston, shall have all its sides or walls, except so much as may be necessary for doors and windows, built of brick or stone, not less than twelve inches, or the length and breadth of a common sized brick in thickness; and if any building above mentioned shall exceed twenty-five feet in width, or fifty feet in length, between either of its sides or walls, or shall exceed twenty feet in height between either of its floors, or in either of its stories, its wall shall not be less than sixteen inches, or the length of two common sized bricks in thickness. And if any building above mentioned shall exceed forty feet in width, or sixty feet in length, between either of its sides or walls, or shall exceed twenty-five feet in height, between either of its floors, or in either of its stories, its walls shall not be less than twenty inches, or the length of two common sized bricks and a half in thickness; and every building above mentioned shall have its roof slated or covered with some metallic substance, and have all its battlements and partition walls carried above the slating of the roof, and be capped with stone or some metallic substance.

SECT. 2. *Be it further enacted*, That every building, except those in the preceding section mentioned, which, from and after the passing of this act, shall be built within the city of Boston, which shall be more than twenty-two feet in height from the level of the highest point of the street, alley or court, in front of such building, to the drip of the eaves, shall have all its sides or walls built of brick or stone, except so much as may be necessary for doors and windows, and all its sides or walls, from the cellar to the highest point of the roof, shall be at least either twelve inches, or the length and breadth of a common sized brick in thickness; and in case any building in this section mentioned, of the above height, shall exceed forty feet in width or sixty feet in length between any of its sides or walls, all its walls shall not be less than sixteen inches, or the length of two common sized bricks in thickness; and if, at any time, said building be divided into different tenements, its partition walls shall rise in battlements above the roof, and be at least eight inches or the length of a common sized brick in thickness, capped with stone or some metallic substance; and all external end walls which are now erected, or which may be erected, and which shall at any time hereafter be used as partition walls, shall be finished as herein before provided; and where one roof rises above another, all such partition walls may be finished as external end walls; and in all cases where any building in this section mentioned, shall be separated from another building in this section mentioned by a partition wall, the same shall be built of stone or brick, and be at least twelve inches, or the length and breadth of a common sized brick in thickness.

Buildings more
than 22 feet
high, how built.

SECT. 3. *Be it further enacted*, That every building which,

Buildings not
more than 22
feet high, how
built.

from and after the passing of this act, shall be built within the city of Boston, which shall be not more than twenty-two feet in height, from the level of the highest point of the street, alley or court in front of such building to the drip of the eaves, shall have all its sides or walls built of brick or stone, except so much as may be necessary for doors and windows; and all its sides or walls from the bottom of the cellar to the under side of the first floor, which may be above or on a level of the street as above mentioned, shall be at least twelve inches or the length and breadth of a common sized brick in thickness; and all its sides or walls which shall be above the said level of the street, alley or court, shall be at least either eight inches or the length of a common sized brick in thickness; and in case any building, which shall not be more than the height in this section above mentioned, shall exceed twenty-five feet in width, or forty feet in length, between any of its walls, its walls shall not be less than twelve inches, or the length and breadth of a common sized brick in thickness, and be covered with slate or stone, well laid in mortar or cement, or rise in battlements above the roof, and be at least eight inches, or the length of a common sized brick in thickness, capped with stone or some metallic substance. And no building in this section mentioned, shall be used for any of the purposes stated in the first section of this act, except the same be approved by the mayor and aldermen of said city: and no walls, in either of the preceding sections mentioned, shall be deemed conformable to the provisions of such section, unless the same shall be originally built, from their foundation, of the thickness required in such section, in a faithful and workmanlike manner.

Use of buildings
in certain cases
to be approved
by mayor and
aldermen.

Roofs and gut-
ters.

SECT. 4. *Be it further enacted*, That every building above-mentioned in the second and third sections of this act, shall have its roof of a regular pitch, and be entirely covered with slate, tile, or some metallic substance, except such opening as may be wanted for windows or scuttles; it shall also have its gutters divided from those of the adjoining houses, by a coving of brick or stone, and, in all cases, where its gutters shall not be of stone, copper or iron, its external walls shall be carried up, not less than four inches thick, to the top of the boarding, and the slating shall be carried over such external wall, and be well laid in cement or mortar.

Sheds and
wood-houses.

SECT. 5. *Be it further enacted*, That every shed or wood-house adjoining a shed or wood-house belonging to another building, shall be separated therefrom by a brick or stone wall not less than eight inches thick, and be carried up at least to an even surface with the under side of the roof of such shed or wood-house.

Additions, &c.

SECT. 6. *Be it further enacted*, That all additions which shall be made to buildings already erected, and all buildings which shall be erected on old foundations, in part or in whole, shall be deemed subject to the restrictions and regulations of this act; and no building mentioned in the third section of this act shall have its walls raised beyond the height, or its roof varied beyond the dimensions, specified in the third section aforesaid: *provided*,

that nothing herein contained shall prevent the repairing of any wooden building or buildings with flat roofs now erected. Proviso.

SECT. 7. *Be it further enacted*, That no doors shall ever hereafter be made through any partition wall, dividing adjacent premises, unless the opening, made for such purpose, shall be finished forthwith, and furnished with an iron door, in a frame of brick, stone or iron, or unless the same shall open into some shed, wood-house or out-building connected with the house and making part of the same. Doors.

SECT. 8. *Be it further enacted*, That it shall be lawful, any thing in this act to the contrary notwithstanding, to erect within the city of Boston, two story wooden buildings, to be used for dwelling-houses, and for no other purpose, except for such purposes as may be approved by the mayor and aldermen, of the following description, viz.: the posts to be not more than eighteen feet, the roof to be of a regular pitch of one third, the bottom of the sills to be elevated not exceeding eighteen inches above the level of the street, or above the point where such level shall be determined on by the surveyors of highways, and such level shall be determined upon, and notice given thereof to owners or builders, within twenty days after application by them therefor, such buildings to be in no case more than thirty feet in height, from the bottom of the sill to the highest point of the roof, and in no case to be more than forty by twenty-five feet on the ground, the roof to be slated, and to have at least one window or scuttle in the same; and if two or more wooden buildings as aforesaid shall be joined together, there shall be a partition wall of brick between them, at least eight inches in thickness, extending in height to an even surface with the under side of the slating of the roof; and whenever any such wooden building shall be erected within five feet of the boundary line of the owner or owners of the land on which it may be built, unless such boundary line be on the highway, it shall have a brick wall of like thickness on the side so adjoining: *provided, always*, that no two story wooden buildings, provided for in this act, shall be erected within ten feet of each other, unless one of them have a brick wall on the side next adjoining, of the dimensions above specified; and whenever any out-buildings shall be connected with the dwelling-houses in this section mentioned, of more than eleven feet in height, the roof of such out-buildings shall be covered with slate; and also, that no wooden buildings shall be erected within the city of Boston in a range of more than fifty feet extent, without the intervention of a brick partition wall, of the height and thickness, and covered in the manner in this section before specified; and also, that no such wooden buildings shall be placed within four feet of each other, unless the wall of one of them so adjoining be of brick or stone, of the thickness above specified; and no wooden building, specified in this section, shall be adjoined or added to another wooden building, now built, or which may hereafter be built, and which shall be higher than ten feet, whereby the area of both said Two story wooden buildings.

Proviso.

buildings shall exceed forty by twenty-five feet, unless a brick partition wall be erected between them as above specified.

Buildings not more than thirteen feet high.

[Provision as to windows in roof, repealed, 1829 ch. 34.]

SECT. 9. *Be it further enacted*, That it shall be lawful, any thing in this act to the contrary notwithstanding, to build houses or other buildings of wood, within the city of Boston, the posts whereof measuring from the bottom of the lower sill, to the top of the plate, shall not exceed thirteen feet, and the pitch of the roof thereof not to exceed one third pitch: *provided*, that such roof be of a regular slope from the plate to the top thereof, and that no window or windows shall be erected or made on the sloping part of the roof of such house or building: *and provided, also*, that in no case shall any such house or building exceed sixteen feet in measure, from the ground to the highest point in the roof: *and provided, further*, that such house or building shall not be used for any of the purposes specified in the first section of this act.

Buildings on wharves, marshes, &c., how erected.

SECT. 10. *Be it further enacted*, That, upon any wharf, marsh, or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the mayor and aldermen, wooden buildings of no greater height than those mentioned in the eighth section of this act, with the same pitch of roof, may be erected, which shall be covered on all sides with slate, tile, lime, mortar, or some metallic substance, unless, in consideration of peculiar circumstances, the mayor and aldermen shall otherwise in either of the above respects authorize.

Violations of the provisions of this act.

SECT. 11. *Be it further enacted*, That if any person shall begin to build any building, which, if finished in conformity with its beginning, would be a violation of the provisions of this act, and shall not, after notice in writing, from the mayor of said city, or any engineer of the fire department thereof, within thirty days make requisite alterations therein, so that the same may become conformable, if finished, to the provisions of this act, such persons shall be liable to all the penalties herein after provided, and be liable to prosecution in the same way as if said building was finished.

Removal of buildings.

SECT. 12. *Be it further enacted*, That no wooden building, more than ten feet high, shall be removed from any part of Boston to any other place within the same city, without the permission of the mayor and aldermen, under such restrictions and provisions as they shall prescribe; nor shall any wooden building heretofore erected within said city, and not now used as a dwelling-house, be hereafter occupied as a dwelling-house, or for any other purpose than that to which it is now applied, without the permission of the mayor and aldermen as aforesaid.

Penalty for defect of partition wall.

SECT. 13. *Be it further enacted*, That the owner or owners of every house or other building which shall be erected contrary to the provisions of this act, shall be liable to pay a sum not less than fifty dollars, nor more than two hundred dollars annually and every year, at the discretion of the court, until a brick or stone wall shall be erected, of the dimensions above provided, and until such building or addition thereto shall be effectually secured

against fire, according to the provisions of this act ; and on the conviction of any person or persons for erecting any building against any of the provisions of this act, it shall be the duty of the chief engineer of the city of Boston to cause an attested copy of such conviction to be duly recorded in the office of the register of deeds for the county of Suffolk, whose duty it shall be to receive and record the same ; and thereupon the owner or owners of said building for the time being, shall be liable to pay the said sum of not less than fifty dollars, nor more than two hundred dollars, annually and every year, to the city of Boston, until said house or building shall be made conformable to the provisions of this act ; and the same may be recovered by an action on the case, to be brought in the name of said city, in any court of competent jurisdiction, by the treasurer thereof, whose duty it shall be, unless the same be annually paid, to bring an action for the same accordingly.

SECT. 14. *Be it further enacted*, That all houses or buildings within said city of Boston, which have been, or which shall hereafter be erected in the manner described in this act, and which are now, or which may hereafter be covered with slate, tile, or some metallic substance, shall continue to be so covered with slate, tile, or some metallic substance, and shall be kept effectually secured against fire, in manner as is herein before described ; and if any person or persons, being owner or proprietor of any house or other building, or having authority, or whose duty it shall be to repair the same, shall hereafter suffer such house or other building to remain, in whole or in part, uncovered with slate, tile, or some metallic substance, for the space of thirty days after he, she, or they shall have been notified to repair or cover the same, by the mayor of said city, or any engineer of the fire department thereof, he, she, or they shall forfeit and pay for such offence a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards, that such house or building shall be, by him, her, or them, suffered to remain so uncovered, in the manner required by this act.

Penalty for defect of covering of roof.

Repairs.

SECT. 15. *Be it further enacted*, That whenever any house or other building within the said city of Boston, hereafter erected, shall be found to be erected contrary to the provisions of this act, the owner or owners of such house or building shall be held and required to alter and make such house or building to conform to the provisions of this act ; and any person or persons as aforesaid, who shall suffer his, her, or their house or other building, to be and remain not conformable to the provisions of this act, for the space of thirty days after he, she, or they shall have been notified by the mayor of said city, or by any engineer of the fire department thereof, shall forfeit and pay for such offence a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards that such house or building shall be by him, her, or them, suf-

Alterations, &c.

ferred to remain exposed to fire as aforesaid, and not conformable to the provisions of this act.

Fines for violations of this act, and how recovered.

SECT. 16. *Be it further enacted*, That every person who shall offend against any of the provisions contained in the preceding sections, shall forfeit and pay a fine not less than fifty dollars, nor more than five hundred dollars, according to the nature and aggravation of the offence ; and all and any of the penalties which are given in and by this act, may be recovered by indictment, information, complaint, or action upon the case, in any court of competent jurisdiction ; and in such indictment it shall not be necessary to set forth any more of said act, than so much thereof as relates to, and is necessary truly and substantially to describe the offence alleged to have been committed ; and it shall be the duty of each and every engineer of the fire department of said city, and they and each of them are hereby required to inquire after all offences which shall come to their knowledge, and which shall be committed against the true intent and meaning of this act, and shall cause the same to be duly prosecuted.

Limitation of this act.

SECT. 17. *Be it further enacted*, That nothing in this act shall be construed to extend to any building now erected, or which may hereafter be erected, without the limits of the peninsula of said city of Boston, or without the ancient limits of the city, on both sides of the neck, as far as the boundary lines between Roxbury and Boston.

Repeal.

SECT. 18. *Be it further enacted*, That all acts and parts of acts now in force, and which are inconsistent with the provisions of this act be, and the same are hereby repealed ; excepting that such parts as may be necessary to recover fines and penalties incurred, upon the acts aforesaid, shall still remain in full force.

Use of fines.

SECT. 19. *Be it further enacted*, That all the fines and penalties which shall be recovered by force of this act, shall enure to the use of the city of Boston.

This act void, unless accepted by inhabitants.

SECT. 20. *Be it further enacted*, That this act shall not have effect unless the same shall, after thirty, and within ninety days from the passing of the same, be accepted at a legal meeting of the qualified voters of the city of Boston, to be called for that purpose, and voting thereon by ballot. [March 10, 1827.] See acts, 1829 ch. 34 : 1835 ch. 139.

Chap 145.

An ACT to incorporate the President, Directors and Company of the Boston South Bank.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel Whittemore, Adam Bent, William Wright, David Rice, Josiah Dunham, David Gurney, Noah Brooks, Isaac Thom, John Amory, and Jacob Flinn, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Boston South Bank, and shall so continue from the first Monday of May next, until the first Monday of October, which which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be

subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled “an act to incorporate the President, Directors and Company of the State Bank,” except in so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of the said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Powers and duties.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the first day of September next, one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of February next, and the residue on or before the first day of March next; and no dividend shall be declared on the capital stock of said bank, until the capital stock shall have been paid in conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors, and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars and no more, at any one time; with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the president or two of the directors; and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount as security for, or in payment of, any debts due to the said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty-five thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and examined by three commissioners to be appointed by the governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and

Capital stock, shares, and the payment thereof.

Real estate.

Provisos.

Inspection and return of capital.

towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain as a part of said capital ; and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock as herein before provided and required.

Location.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in that part of Boston called South Boston ; and no loan or discount shall be made, nor shall any bill or note be issued by said corporation or by any person on their account, in any other place than at the said bank.

Loans to Commonwealth.

SECT. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money, which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

First meeting.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same, in any two of the newspapers printed in Boston for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers as they shall see fit to choose : *provided*, such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth.

By-laws.

Commonwealth may subscribe to the capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established.

Commonwealth may appoint directors.

SECT. 7. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum, paid from the treasury of the Commonwealth, shall be to the whole amount of

stock actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the board of directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office. Cashier to give bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of capital stock, which shall have actually been paid in. Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay, to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration; and shall also be liable to pay, to any *bona fide* holder, the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate; and said corporation shall not, at any place, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note. Counterfeited bills.

SECT. 11. *Be it further enacted*, That the capital stock of said bank, or any part of it, shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year, from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof within the year aforesaid, it shall be void. Conditions of this act.

SECT. 12. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [March 10, 1827.] Legislative examination.

An ACT to incorporate a School at Nantucket by the name of Admiral Sir Isaac Coffin's Lancasterian School.

Chap. 1.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of Nantucket, in the county of Nantucket, a school by the name of Admiral Sir Isaac Coffin's Lancasterian School, for the pur- 1826 ch. 47.
School estab-
lished.

Trustees incor-
porated.

pose of promoting decency, good order and morality, and for giving a good English education to the youth who are descendants of the late Tristram Coffin, (who emigrated from England about the year 1641, first settled at Salisbury in Massachusetts Bay, now State of Massachusetts, and from thence removed to the town of Sherburne, now Nantucket,) as the trustees for the time being shall direct, and that William Coffin, Ariel Coffin, Gorham Coffin, Jared Coffin, Thaddeus Coffin, and Charles G. Coffin, with such others as they may add to their number, be nominated and appointed trustees ; and they are hereby incorporated into a body politic, by the name of the Trustees of Admiral Sir Isaac Coffin's Lancasterian School, and they and their successors shall be, and continue a body politic forever.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That all lands, buildings, monies, or other property heretofore given or subscribed for the purpose of establishing the aforesaid school, or which shall hereafter be given, granted, or assigned to the said trustees, shall be confirmed to the said trustees, and their successors, in that trust forever, for the uses for which said school is established, and the said trustees shall be capable of having, holding, and taking, in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal : *provided*, that the annual income of the same shall not exceed the sum of three thousand dollars, and shall apply the interest, rents, and profits thereof, so as most to promote the design of the institution.

Powers of the
trustees.

SECT. 3. *Be it further enacted*, That the said trustees, for the time being, shall be the visitors and governors of said institution, and shall have full power, from time to time, to elect such officers thereof as they shall judge necessary and convenient, and fix the tenure of their respective offices, and to fill up all vacancies that may happen in the board of trustees, by death, resignation, or removal from the town of Nantucket : *provided*, *always*, that the trustees shall all be the descendants of the before mentioned Tristram Coffin, in the male or female line ; to determine the times and places for holding their meetings ; the manner of notifying the trustees ; to ascertain the powers and duties of their several officers ; to elect instructors and prescribe their duties ; to make and ordain reasonable rules, orders, and by-laws, for the government of the institution, provided the same be not repugnant to the laws of the Commonwealth.

General powers.

SECT. 4. *Be it further enacted*, That the trustees of said school may have a common seal, which they may change at pleasure, and all deeds, sealed with said seal, and delivered and acknowledged by the secretary of said trustees, by their order, shall be valid and binding in law ; and said trustees may sue, and be sued, in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Admiral Sir Isaac Coffin's Lancasterian School.

Number of trustees.

SECT. 5. *Be it further enacted*, That the number of said trustees shall never exceed nine, nor be less than six, one of

whom shall be appointed as president, three of whom, with the president, or five without the president, shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time ; and a majority of those present shall decide all questions that may properly come before said trustees.

SECT. 6. *Be it further enacted*, That William Coffin, Esquire, be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the trustees, and to notify them thereof. First meeting.

SECT. 7. *Be it further enacted*, That this act may at any time be modified or repealed by the Legislature of this Commonwealth. Legislative control.

SECT. 8. *Be it further enacted*, That an act passed in the year of our Lord one thousand eight hundred and twenty-seven, entitled "an act to incorporate a school at Nantucket, by the name of Admiral Isaac Coffin's Lancasterian [*Lancastrian*] School," be, and the same hereby is repealed. [*June 8, 1827.*] Repeal.
1826 ch. 47.

An Act to incorporate the Boston Mechanics' Institution.

Chap. 2.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel Bowditch, Henry A. S. Dearborn, Daniel Treadwell, David Moody, Stephen Fairbanks, their associates, successors, and assigns, be, and they hereby are incorporated under the name of the Boston Mechanics Institution, for the purpose of instruction in the sciences as connected with the mechanic arts, with power to have a common seal, and the same to alter at pleasure, to sue and be sued, to make by-laws and regulations for the government of their own affairs, not repugnant to the constitution or laws of this Commonwealth, and to appoint such officers for the regulation of their concerns as they may deem expedient, with power to hold real estate not exceeding in value twenty thousand dollars, and personal estate not exceeding twenty thousand dollars. Persons incorporated.

Powers and privileges.

Real and personal estate.

SECT. 2. *Be it further enacted*, That any two of the persons herein named may call the first meeting of said corporation, by notice, printed in one or more newspapers in the city of Boston, ten days at least before the time appointed for such meeting. First meeting.

SECT. 3. *Be it further enacted*, That this act shall be subject to revision or repeal, at the will of the Legislature. [*June 15, 1827.*] Legislative control.

An Act to incorporate the Third Congregational Society in Cambridge.

Chap. 4.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph N. Howe, Jr., Thomas Hastings, Jesse Hall, William Parmenter, Sewell White, William F. Stone, William Whitney, Caleb Hayden, and all those persons who now have, or hereafter may subscribe and pay the sum of fifty dollars, towards the erection of a congregational meeting-house at Lech- Persons incorporated.

Powers and privileges.	mere point, in Cambridge, or otherwise become interested therein, their successors and assigns, shall be, and they hereby are created and established as a religious society, and body politic and corporate, by the name of the "Third Congregational Society in Cambridge," with all the powers, privileges and immunities of parishes, and may purchase and hold real and personal estate to any amount, the annual income of which shall not exceed three thousand dollars; and may ordain and establish such by-laws and regulations for the management of their concerns, not repugnant to the constitution and laws of this Commonwealth, as they may think expedient.
Real and personal estate.	
Shares.	SECT. 2. <i>Be it further enacted,</i> That the subscriptions for the purpose of erecting said meeting-house shall be by shares, the number and amount of which, and the mode of transferring them, and of the pews in said house, shall be established by the by-laws of the corporation, which pews shall be considered personal property.
Assessments for building meeting-house.	SECT. 3. <i>Be it further enacted,</i> That, whenever any proprietor shall neglect or refuse to pay any assessment legally made on his share or shares, for the purpose of erecting said meeting-house, to the treasurer of said corporation, for the space of thirty days after the same is payable, and due notice thereof given, the said treasurer is hereby authorized to sell, at public auction, the share or shares of such delinquent proprietor, after posting notice of the time, place and cause of sale, at the new court-house in Cambridge, and two other public places in said town, thirty days before such sale, and make a proper transfer thereof to the highest bidder, and deducting the sums due on said share or shares, and the incidental charges of conveyance, pay the surplus to the proprietor; or the said treasurer may sue and prosecute to final judgment and execution, any such delinquent proprietor, for any tax or assessment, due and payable on his share or shares, made for the purpose aforesaid: <i>provided,</i> such assessments shall not exceed the original amount of the share.
Shares of delinquents may be sold.	
Proviso.	
Annual meeting.	SECT. 4. <i>Be it further enacted,</i> That there shall be a meeting of the members of said society in the month of June in each year; and the mode of calling, and the time and place of holding said meeting, and all other meetings of the society, shall be settled by vote of the corporation, at which annual meeting there shall be chosen a clerk, who shall record all votes and proceedings of the society, and be sworn to the faithful discharge of his duties; a treasurer, who shall give bonds for the faithful performance of the duties of his office, and such other officers as the society may deem expedient, who shall hold their offices for one year, and until others are chosen.
Officers.	
How pews shall be disposed of.	SECT. 5. <i>Be it further enacted,</i> That if, at the expiration of one year from the erection and completion of said meeting-house, any of the pews therein shall remain unsold, and not disposed of by the shareholders, they shall forthwith proceed, by public or private sale, or by a division of the pews not disposed of, among the subscribers, or by some other equitable mode of disposition,

to be adopted by the shareholders, to sell and dispose of all the pews then remaining unsold in said meeting-house. And after such sale or division, the proprietors who individually own one or more pews, shall compose and constitute the corporation created by this act, and such proprietors, their successors and assigns, are hereby constituted a religious society, and body politic and corporate, by the name of the Third Congregational Society in Canbridge, with all the powers, privileges and immunities by this act granted.

Who shall constitute the corporation.

SECT. 6. *Be it further enacted*, That all monies necessary for the support of public worship in said meeting-house, and to defray other incidental charges which shall be duly voted to be raised, shall be assessed on the pews in said house, according to the relative value thereof. And a list of such assessment, stating the number of each pew, and the amount assessed thereon, shall be made out and delivered to the treasurer, who shall collect the same, and pay out the amount under the direction of the society. And the pews shall be holden and liable, respectively, for the amount assessed thereon, into whose hands soever they may come. And the treasurer shall have authority to sell any pew for the payment of any assessment thereon, legally made, in the manner prescribed in the third section of this act, for the sale of the shares of delinquent proprietors.

Assessments for the support of public worship.

SECT. 7. *Be it further enacted*, That [at] all meetings of said society, after the expiration of one year from the completion of said meeting-house, every proprietor of a pew or pews shall be entitled to vote, allowing one vote to each pew; but the society may, nevertheless, by their by-laws and regulations, provide for the admission of any occupant or occupants, of any pew, to vote at the meetings of said society.

Right of voting.

SECT. 8. *Be it further enacted*, That the mode of transferring pews in said meeting-house shall be by certificate, to be signed by the clerk and treasurer, containing the name of the purchaser, the number and description of the pew conveyed, which certificate shall be recorded by the clerk, in a book to be kept for that purpose, and no transfer shall be valid until so recorded, and no new certificate shall be issued until the old one is given up.

Transfer of pews.

SECT. 9. *Be it further enacted*, That the first meeting of said society shall be called by Thomas Hastings, Joseph N. Howe, Jr., Isaac Train, Jesse Hall and William Parmenter, or any two of them, by a written or printed notice, stating the time and place of meeting, which notice shall be left at the place of abode or business of each subscriber or shareholder, four days at least before the meeting. [June 16, 1827.] Add. act, 1827 ch. 27.

First meeting.

Chap. 5.

AN ACT to incorporate the South Congregational Society in the city of Boston.

Persons incor-
porated.

Powers and
privileges.

Real and per-
sonal estate.

First meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Brewer, Ephraim Marsh, Thomas Hunting, Walter Cornell, Augustus G. P. Colburn, Henry H. Fuller and Robert Treat Paine, and all others who may associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the South Congregational Society in the city of Boston, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by law, and the constitution thereof.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law, to purchase, hold and dispose of any estate, real or personal, for the use of said society : *provided*, the annual income thereof shall not at any time exceed the sum of three thousand dollars.

SECT. 3. *Be it further enacted*, That any justice of the peace for the county of Suffolk, be, and he is hereby authorized to issue his warrant to any member of said society, requiring him to warn the members thereof to meet, at such convenient time and place in the city of Boston, as shall be therein directed, to choose a secretary, a treasurer, and such other officers, committee or committees, as they may deem needful ; also to order and establish such regulations, rules and by-laws, for their government, and for the management of their concerns, as they may see fit : *provided*, the same are not repugnant to the laws and constitution of this Commonwealth. [June 16, 1827.]

Chap. 6.

AN ACT to incorporate the East Medway Manufacturing Company.

Persons incor-
porated.

Powers and du-
ties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lowell Bullen, Gilbert Clark, Jotham Clark, Nathan Jones, and such other persons as already have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the East Medway Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, and making machinery for said purposes, at Medway, in the county of Norfolk ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act of this Commonwealth, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary or convenient for establishing and carrying on the said manufactures at Medway as aforesaid. [June 16, 1827.]

An ACT to incorporate the Springfield Institution for Savings.

Chap. 7.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Bezaleel Howard, John Ingersoll, Israel E. Trask, Joshua Frost, Daniel Bontecou, Oliver B. Morris, Daniel Lombard, Samuel Orne, Robert Emery, John B. Kirkham, Frederick H. Packard and Henry Brewer, together with such other persons as have associated, and may hereafter associate with them, be, and they hereby are constituted a corporation, by the name of the "Springfield Institution for Savings," and shall so continue for the term of thirty years.

Persons incorporated.

SECT. 2. *Be it further enacted,* That said corporation shall be capable of receiving, from any person, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein provided.

Deposits.

SECT. 3. *Be it further enacted,* That all deposits of money, received by the said corporation, shall be by them used and improved to the best advantage, and the income, or profit thereof, shall be applied and divided among the persons making the said deposits, their executors, administrators or assigns, in just proportion; and the principal of such deposits may be withdrawn at such times, and in such manner, as said corporation shall direct and appoint.

Income of deposits.

SECT. 4. *Be it further enacted,* That said corporation may, at any legal meeting, have power to elect, by ballot, any other persons as members of said corporation.

Election of members.

SECT. 5. *Be it further enacted,* That the said corporation may have a common seal, which they may change at pleasure; and that all deeds, grants, covenants and agreements, made by their treasurer, or any other person by their authority, shall be good and valid; and the said corporation shall at all times have power to sue, and may be sued, and defend, and be held to answer by the name aforesaid.

General powers.

SECT. 6. *Be it further enacted,* That the said corporation shall hereafter meet at Springfield, some time in the month of May, annually, and as much oftener as they may judge expedient; and any seven members of the said corporation, the president, secretary or treasurer being one, shall be a quorum; and the said corporation, at their annual meeting, shall have power to elect a president, and all such other officers as to them shall appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their stead; and all officers, so chosen, shall be under oath to the faithful discharge of the duties of their offices respectively.

Annual meeting.

SECT. 7. *Be it further enacted,* That said corporation may make by-laws for the more orderly management of their business: *provided,* the same be not repugnant to the constitution and laws of this Commonwealth; and the Legislature may at any time make such further regulations for the government of said institution as they may deem expedient.

By-laws.

First meeting.

SECT. 8. *Be it further enacted*, That either of the persons, named in the first section of this act, may, by public notification in either of the Springfield newspapers, call the first meeting of said corporation, at such time and place as he shall judge proper.

Legislative control.

SECT. 9. *Be it further enacted*, That the Legislature may, at any time hereafter, alter, amend, or repeal this act. [June 16, 1827.]

Chap. 8.

1826 ch. 14.

An ACT to amend an Act entitled "An Act to establish the Boundary Line between the towns of South Hadley and Granby, in the county of Hampshire," passed June, 1826.

Boundary line.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the boundary line between the towns of South Hadley and Granby, in the county of Hampshire, shall be known, fixed, and established as follows, viz: beginning at a pine tree, now a boundary between said towns, standing in the northerly line of the town of Springfield, thence running north, seven degrees west, to Stony brook, thence northerly, in a straight line, to the present boundary between the house lot of Eleazer and Nathaniel Nash, and the lot of Seth Moody. [June 16, 1827.]

Chap. 9.

An ACT to incorporate the Uxbridge Woollen Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Amariah Chapin, George Willard, Royal Chapin, and Osmus Taft, with such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Uxbridge Woollen Manufacturing Company, for the purpose of manufacturing cloths and woollen goods, in the town of Uxbridge, in the county of Worcester, and, for that purpose, shall have all the powers and privileges, and be liable to all the duties and requirements, contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value fifty thousand dollars, and such personal estate, not exceeding in value one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

First Meeting.

SECT. 3. *Be it further enacted*, That any one or more of the persons above named are hereby authorized and empowered to call the first meeting of the members of said corporation, at such time and place as he or they may see fit to appoint, by giving ten days notice thereof, either by personal notification or otherwise. [June 16, 1827.]

AN ACT to incorporate the Berkshire Fire Insurance Company.

Chap. 10.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edward A. Newton, Henry Shaw, Theodore Sedgwick, David Campbell, Jr., Lemuel Pomeroy, Ezekiel R. Colt, Henry W. Dwight, their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Berkshire Fire Insurance Company, for and during the term of twenty years from the passing of this act, and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution, and have a common seal, which they may alter at pleasure ; and may purchase, hold, and convey any estate, real or personal, for the use of said company : *provided*, they shall not hold real estate exceeding the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for the debts due to said company.

Persons incorporated.

Powers.

Real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money, within ninety days from the first meeting of said company, and the residue in one year from and after the first meeting of said company.

Capital stock.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company shall be managed and conducted by seven directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer ; and shall, at the time of their election, be stockholders of said company, and citizens of this Commonwealth, and shall be elected annually, on the first Monday of October, at such time of the day, and at such place in the town of Pittsfield, as a majority of the directors for the time being shall appoint ; of which election public notice shall be given in any newspaper printed in said town, for the space of ten days immediately preceding such election ; the election shall be made by ballot by a majority of the stockholders present, allowing one vote to each share in the capital stock : *provided*, no stockholder shall be allowed more than ten votes ; and the stockholders not present may vote by proxy, under such regulations as the said company shall prescribe ; and if, through any means, the directors should not be chosen as aforesaid, it shall be lawful to choose them, in manner aforesaid, on any other day.

Number of directors.

Annual meeting.

Right to vote.

SECT. 4. *Be it further enacted*, That the directors, so chosen, shall meet as soon as may be after their election, and choose by ballot, out of their number, one person to be president, who shall be sworn faithfully to discharge the duties of his office ; and, in case of death or resignation of the president, the directors may, in manner and form as above prescribed, proceed to fill such vacancy.

Election of president.

SECT. 5. *Be it further enacted*, That the president and three of the directors, or four of the directors in the absence of the

Board for transacting business.

- By-laws. president, shall be a board competent for the transaction of business ; all questions before them shall be decided by a majority of votes ; they shall have power to make and prescribe such by-laws, regulations and rules as to them shall appear needful and proper, in respect to the management and disposition of the stock and property of said company, and the transfer of shares therein, and the powers, duties and conduct of the several officers, clerks, and servants employed in the service of the company, and the election of directors, and the making of policies, and all such matters as appertain to the business of insurance, or the interest of the company : *provided*, such by-laws, rules and regulations be not repugnant to the constitution and laws of this Commonwealth. And they shall also have power to appoint a treasurer, secretary, and such other officers as may be deemed needful. And they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings, against any damage by fire, originating in any cause except design in the insured, for such time, and on such conditions, as the parties may agree to : *provided*, the company shall not insure, on any one risk, more than ten per centum on the capital stock actually paid in : *and provided, also*, that said company shall not take any risk, or subscribe any policy, until one moiety of the capital stock of said company shall have actually been paid in. And all policies of insurance by them made, shall be subscribed by the president, or two of the directors, and countersigned by the secretary, and shall be binding upon the company, and have the like effect and force as if under the seal of the said company ; and all losses duly arising under policies so subscribed, may be adjusted and settled by the president and board of directors, or such agent as they shall authorize, and such adjustment shall be binding upon said company.
- Limitation of risks. SECT. 6. *Be it further enacted*, That the said company shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever.
- Corporation shall not deal in merchandize. SECT. 7. *Be it further enacted*, That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses taking place, shall subscribe to any policy of assurance, their estate, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed. And the president and directors shall cause to be printed or written, on any policy they shall make, the amount of the capital stock, and the largest sum they take on a risk.
- Liability of the president and directors. SECT. 8. *Be it further enacted*, That once in three years, and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends, and the company shall, when required, lay before the Legislature, a statement of their affairs under oath.
- Statement of profits.

SECT. 9. *Be it further enacted*, That it shall be the duty of the directors, on the first Monday of May and October, in every year, to make dividends of so much of the interest arising from the capital stock, and of the profits of said company, as to them shall appear advisable; but the monies received, and the notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of said company; and, in case of any loss whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital.

Semi-annual dividends.

SECT. 10. *Be it further enacted*, That any three of the persons named in the first section of this act are hereby authorized to call a meeting of the said company, in Pittsfield, by advertising the same, for the purpose of electing the board of directors, who shall hold their offices until another board shall be chosen.

First meeting.

SECT. 11. *Be it further enacted*, That no transfer of the stock shall take place within one year from the passing of this act; and that if the provisions of this act shall not be complied with in one year from the first meeting, then the same shall be void.

Stock not transferable within one year.

SECT. 12. *Be it further enacted*, That the said company shall be liable to be taxed by any general law providing for the taxation of all similar institutions. [June 16, 1827.]

Liability to taxation.

AN ACT in addition to an Act entitled "An Act to incorporate the Trustees of the Ministerial Fund of the Congregational Union Society in Amherst."

Chap. 11.

1826 ch. 115.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no alteration or revision in the act to which this is in addition, shall ever be made so as to alter the appropriation of said fund, or any part or parts thereof, made by the donors, grantors or devisors respectively; but such appropriation shall remain permanent and unalienable; and, in case of a different appropriation, such part or parts of said fund, thus alienated, shall revert to the original grantor, donor or devisor, any thing in the act aforesaid to the contrary notwithstanding. [June 16, 1827.] Add. act, 1830 ch. 107.

Appropriation of funds not to be altered.

AN ACT to incorporate the Proprietors of the Meeting-house of the Third Religious Society in Longmeadow.

Chap. 12.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph W. Cooley, Silas Hall, John Hall, Noah Pratt, Ethan Taylor, and Stephen Taylor, with all others who have associated, or may hereafter associate with them, for the purpose of building a meeting-house, their successors and assigns be, and they hereby are incorporated, by the name of "The Proprietors of the Meeting-house of the Third Religious Society in Longmeadow," and by that name may sue and be sued, and may have and use a common seal, and may ordain and establish such by-laws and regulations as to them may seem necessary and convenient for the government of said corporation: *provided*, such

Persons incorporated.

General powers.

by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Real and personal estate.

Shares.

Shares may be sold in case of delinquency.

Annual meeting.

Right of voting.

Records and transfer of shares.

First meeting.

SECT. 2. *Be it further enacted*, That the said corporation may purchase and hold real and personal estate, including the meeting-house, and land under the same, not exceeding five thousand dollars, and shall divide the same into shares, the number of which shall not be less than two hundred, nor more than five hundred; and may make and impose all necessary assessments on such shares: *provided*, that this act may be modified or repealed at any time hereafter, if, in the opinion of the Legislature, it shall be deemed expedient.

SECT. 3. *Be it further enacted*, That, whenever any proprietor shall neglect or refuse to pay any assessment, legally made upon his share or shares, to the treasurer of said corporation, within thirty days after the same shall be made payable, the said treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, or so many of them as may be necessary to defray such assessment, and all charges, after posting notice of the time, place, and cause of such sale, at two or more public places in Longmeadow, and also on the door of the meeting-house, in case one shall have been erected and standing, at least thirty days before such sale, and to make and execute a deed or deeds thereof to the purchaser or purchasers, and after deducting the amount of such delinquent's assessment, and necessary incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor, or the said treasurer may sue and prosecute to final judgment and execution, any such delinquent proprietor, for any tax or assessment due and payable on any share or shares of such delinquent proprietor.

SECT. 4. *Be it further enacted*, That there shall be an annual meeting of the said proprietors in the month of March or April, at which they shall elect, by ballot, a president, clerk, treasurer, and five trustees, of whom the president shall be one, and the treasurer and clerk shall be sworn to the faithful discharge of their respective trusts; and at such meeting, each proprietor, or his agent duly authorized in writing, shall be entitled to as many votes as he holds shares: *provided*, that no one person shall be entitled to more than ten votes.

SECT. 5. *Be it further enacted*, That it shall be the duty of the clerk to keep a record of all the proceedings of said corporation, and of all shares and transfers of shares, and to grant certificates thereof to said proprietors; and the shares may be transferred under the hand and seal of the proprietors, by transfer endorsed on the back of such certificate.

SECT. 6. *Be it further enacted*, That any justice of the peace for the county of Hampden may issue his warrant to any one of said proprietors, for the purpose of calling the first meeting to elect officers, and organize said corporation at such convenient time and place as he shall direct; the meeting to be warned as he shall therein order; at which meeting said proprietors may agree upon the manner of calling future meetings. [June 16, 1827.]

An ACT relating to the appointment of Enginemen in the town of Salem.

Chap. 13.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the firewards of the town of Salem be, and they are hereby authorized and required to exercise all the powers, and to perform all the duties in relation to the nomination and appointment of enginemen, which the selectmen of the said town have been heretofore authorized and required to exercise and perform ; and enginemen, appointed by the said firewards, shall be subject to the same duties, and entitled to the same privileges and exemptions, as enginemen heretofore appointed by the said selectmen.

Enginemen to be appointed by firewards.

SECT. 2. *Be it further enacted,* That the said firewards be, and they are hereby authorized, if they shall judge it expedient, to nominate and appoint any number of enginemen, in addition to the number now authorized by law, not exceeding in the whole forty-five men for each and every hydraulion or suction engine, thirty men for each and every common engine, four men for each hose carriage, twenty men for each sail carriage, twenty men to be employed as a hook and ladder company, and twenty-five men to be employed as a hose company. And the said enginemen are authorized to organize themselves into distinct companies, under the direction of the firewards, to elect directors, clerks, and other officers, to establish such rules and regulations as may be approved by the firewards, and to annex penalties to the same, which may be recovered by the clerk of any company, so organized, before any justice of the peace in the county of Essex : *provided,* that no penalty shall exceed the sum of ten dollars, and that such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Number of enginemen that may be appointed.

Companies may be organized, and rules established.

SECT. 3. *Be it further enacted,* That the said firewards shall have the care and superintendence of the public pumps and cisterns, and also of the public engines, hose and sail carriages, fire hooks and ladders, together with the fixtures and appendages thereto belonging ; and shall cause the same to be kept in good repair, and may, from time to time, make such alterations and improvements therein as they shall deem expedient.

Firewards to superintend pumps, engines, &c.

SECT. 4. *Be it further enacted,* That the inhabitants of the said town of Salem, at their annual meeting in the month of March, may, if they shall judge it expedient, appoint a committee, consisting of five firewards, who shall exercise all the powers, and perform all the duties which the firewards are by this act authorized to exercise and perform.

Inhabitants may appoint a committee of firewards.

SECT. 5. *Be it further enacted,* That, if any person shall, within the said town of Salem, wantonly or maliciously spoil, break, injure, damage, or render useless, any public pump or cistern, or any engine, hose carriage, or sail carriage, or any fixture or appendage thereto belonging, and shall be convicted thereof before the supreme judicial court, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment, not exceeding two years, at the discretion of the court, and be further

Penalty for wanton injury to pumps, engines, &c.

ordered to recognize, with sufficient surety or sureties, for his good behaviour, for such term as the court shall order. [June 16, 1827.] Add. act, 1834 ch. 16.

Chap. 14.

An ACT to incorporate the Proprietors of the Tremont Theatre.

Persons incor-
porated.

Powers and
privileges.

Real and per-
sonal estate.

Shares, and the
transfer thereof.

First meeting.

Legislative con-
trol.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas H. Perkins, Edward D. Clark, Charles F. Kupfer, Thomas Brewer, John Redman, and Oliver Mills, and all such persons as are, or may be associated with them for the purpose of erecting and keeping a theatre in Boston, and their successors, be, and they hereby are made a corporation, by the name of the Proprietors of the Tremont Theatre; and, by that name, they may sue and be sued, have a common seal, and have and enjoy all the powers and privileges, and be subject to all the duties incident to corporations, and they shall have power to make, and at their pleasure to alter, such by-laws for the management and regulation of their corporate property and concerns, as to them may appear expedient: *provided*, the same be not repugnant to the constitution or laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That said corporation be authorized to purchase, take, and hold the land on which said proprietors are now erecting a theatre on Common street in the city of Boston; and such other real and personal estate as may be the necessary and proper appendages of a theatre; and manage and direct the operations of the same as a corporate body: *provided*, the whole real estate shall not exceed one hundred thousand dollars, and the personal estate shall not exceed fifty thousand dollars.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into shares of equal value, and no transfer of a share shall be valid, until such transfer be recorded by the clerk of the corporation; and such shares may be attached on mesne process, and taken and sold on execution, according to law.

SECT. 4. *Be it further enacted*, That any one or more of the persons, named in the first section of this act, be authorized to call the first meeting of said proprietors, for the purpose of organizing the corporation, to be holden at such time and place as he or they shall appoint, by giving ten days notice thereof, in an advertisement, to be published in one or more of the Boston newspapers.

SECT. 5. *Be it further enacted*, That this act may be altered, amended or repealed, at the discretion of the Legislature. [June 16, 1827.]

Chap. 15.

An ACT to incorporate the Phoenix Fire Insurance Company in Boston.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Otis, Samuel Billings, Caleb Andrews, Edward Clark and Ralph Haskins, with their associates, successors and assigns, be, and they are hereby incorporated into a

company and body politic, by the name of the Phoenix Fire Insurance Company, with the power to insure buildings and property against fire; and to be governed and controlled by the provisions, contained in a law of this Commonwealth, entitled “an act to define the powers, duties and restrictions of insurance companies,” passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, so far as they may apply to a corporation established for the sole purpose of insuring against the risk of fire; and with authority to make insurance against fire, on buildings, machinery, and stock employed in manufacturing, and on dwelling-houses, and all other buildings and property liable to be burned and injured by fire, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, their real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due said company.

Powers.
1817 ch. 120.

Real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money, within ninety days after the first meeting of said company, and the residue thereof, in such instalments, and under such penalties, as the president and directors shall, in their discretion, direct and appoint, within one year from the passing of this act.

Capital stock.

Shares, and
how paid.

SECT. 3. *Be it further enacted*, That the property, affairs and concerns of said company shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their election, which shall be on the third Tuesday of June in every year, at such time of the day, and place in Boston, as a majority of the directors for the time being shall appoint, notice of which election shall be given in two newspapers, printed in Boston, at least ten days previous to the election, which shall be made by written ballot, and by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock: *provided*, that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy; and if, from any cause, the directors shall not be chosen on the third Tuesday in June as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.

Number of di-
rectors.

Annual meet-
ing.

Right of voting.

SECT. 4. *Be it further enacted*, That the said directors shall meet as soon as may be, after every election, and choose, from their own board, one person to be president, who shall be sworn to the faithful discharge of the duties of his office: and every

Election of
president.

vacancy in the office of president, or director, that may occur in the interim of the annual meetings, may be filled by the surviving and continuing directors.

Board for trans- **SECT. 5.** *Be it further enacted,* That the president and four
acting business. directors, or five directors, in the absence of the president, shall be a board competent to transact the business of the company ; and all questions before them shall be decided by a majority of the board ; and they shall have power to make such rules and
By-laws. by-laws, as they may deem proper, for the management of the affairs and security of the property of said company, and have power to appoint a secretary, and such other officers as they may deem expedient, and make such compensation as they may think
Proviso. adequate to the services performed : *provided,* such rules and by-laws be not repugnant to the constitution or laws of this Commonwealth.

First meeting. **SECT. 6.** *Be it further enacted,* That any two of the persons named in this act, are hereby authorized to call a first meeting of this Company, for the purpose of organizing, and putting the same into operation, by giving notice in two newspapers, printed in Boston, three days previous to the time of holding said first meeting.

Limitation of **SECT. 7.** *Be it further enacted,* That the said company shall
risks. never take, on any one risk, a sum exceeding ten per centum of the capital stock of said company actually paid in, agreeably to the provisions of this act.

Liability to be **SECT. 8.** *Be it further enacted,* That said Phoenix Fire In-
taxed. surance Company shall be liable to be taxed by a general law providing for the taxation of all similar corporations.

SECT. 9. *Be it further enacted,* That said company shall not take any risk, or subscribe any policy, until one moiety of the capital stock of said company shall actually have been paid in. [June 16, 1827.]

Chap. 16.

An ACT to incorporate the Saugus River Bleaching and Printing Company.

Persons incor- **SECT. 1.** *BE it enacted by the Senate and House of Repre-*
porated. *sentatives, in General Court assembled, and by the authority of the same,* That William True and Daniel D. Brodhead, together with their associates, and such others as may hereafter associate with them, and their successors and assigns, be, and they are hereby incorporated, by the name of the Saugus River Bleaching and Printing Company, for bleaching cotton goods, and printing calicoes, at their manufactory in the town of Saugus, and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements, prescribed and contained in an act, passed in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and also the several acts supplementary thereto.

1808 ch. 65. **SECT. 2.** *Be it further enacted,* That the said corporation may be lawfully seized of such real estate, not exceeding the value of eighty thousand dollars, and of such personal estate, not

Real and per-
sonal estate.

exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory aforesaid. [June 16, 1827.]

An Act in addition to an Act, entitled "An Act establishing the Fifth Massachusetts Turnpike Corporation," and the several acts in addition thereto.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Fifth Massachusetts Turnpike Corporation be, and they hereby are authorized and empowered to locate and make a piece of road from the house of Isaac Hasling, in the town of Warwick, across land of James Goldsbury, and of Amos Taylor, or either of them, and down the gulf road, so called, northerly from the meeting-house in said Warwick, to the place at which the said gulf road intersects the branch of said turnpike, which leads from the tavern of Moses Smith, in Orange, to Winchester, near a brick school-house, and when said new piece of road shall be made and accepted by a committee to be appointed for that purpose, by the court of common pleas for the county of Franklin, so much of said branch leading to Winchester, as lies between said Smith's house, and the point of intersection with the said gulf road, shall be discontinued as part of said turnpike, and said corporation be exonerated from all burthen of supporting and repairing the same, and shall be holden and bound to maintain and support instead thereof the said piece of road hereby authorized to be made.

SECT. 2. *Be it further enacted,* That the said Fifth Massachusetts Turnpike Corporation shall be subject to all the duties, requirements and penalties, prescribed and contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto, in reference to so much of said turnpike, as is by this act authorized to be made. [June 16, 1827.]

An Act to change the names of the several persons therein described.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the several persons named herein shall be known and called by the names they are hereby respectively allowed to assume, viz: that John Pickett Pierce, of Newburyport, may take the name of John Bounds Pierce; that Betsey Kerer Currier, of Rowley, may take the name of Eliza Matilda Currier; that Winthrop Thing, of Boxford, may take the name of Winthrop Varnum; that George Pike, of Rowley, may take the name of George Washington Pike; that Austin Kilham, of Beverly, may take the name of Austin Daniel Kilham; that Peter Lander, 3d, of Salem, may take the name of William P. Lander; that David Hopkinson, of Bradford, may take the name of David Warren Hopkinson,—all of the county of Essex;—that Susan Harrington may take the name of Susan Forbush; that Mary Hall may take the name of Mary Doggett; that Mary Ann Converse may take the name of

Chap. 17.

1798 ch. 85.
(v. 2. p. 295.)
1800 ch. 30, 34,
43. (v. 2. pp.
404, 405, 414.)
1802 ch. 66.
(v. 3. p. 77.)
1803 ch. 23.
(v. 3. p. 217.)
1810 ch. 39.
1815 ch. 20.
Authorized to
make road.

Road discontinued.

1804 ch. 125.

Chap. 20.

Names
changed.
Essex.

Suffolk.

Mary Ann Sylveira; that James Harrison Flinn may take the name of James Flinn Harrison; that Charles Hatstat may take the name of Charles Wade; that George Wright may take the name of George Tyler Wright; that Elisha Leighton Fogaty may take the name of Elisha Perkins Leighton,—all of Boston, in the county of Suffolk:—that Joshua Walter Hosley, of Pepperell, may take the name of Samuel Walter Hosley; that Thomas Emerson, 3d, of South Reading, may take the name of Thomas Rayner Emerson,—all of the county of Middlesex;—that Charles Heald, of Millbury, may take the name of Charles Hale: that Caleb Nanscawen, of Oxford, may take the name of Caleb Howe; that Samuel Reed Puffer, of Westminster, may take the name of Samuel Puffer; that Joseph Hildreth, Jr., of Bolton, may take the name of Joseph Sullivan Hildreth,—all of the county of Worcester;—that Ivory Colomey, of Dorchester, may take the name of Ivory Boylston; that Edwards Park, of Stoughton, may take the name of Edwards Amasa Park,—all of the county of Norfolk;—that James M. Tappan, of Hanover, in the county of Plymouth, may take the name of Morss Tappan; that William Foote White, of Chesterfield, in the county of Hampshire, may take the name of Sylvanus White; and that Joseph Sylvanus White, of the same Chesterfield, may take the name of William Foote White; and the several persons herein named shall hereafter be called and known by the name which, by this act, they are respectively allowed to assume. [June 16, 1827.]

Chap. 21.

AN ACT to incorporate the Boston and Stoneham Marble Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel D. Ward, John S. Wright, Henry A. Ward, John Rogers, Joseph G. Joy, Samuel R. M. Holbrook, and John G. Rogers, with their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the “Boston and Stoneham Marble Company,” for the purpose of digging, quarrying and manufacturing marble, in the town of Stoneham, in the county of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Powers and
duties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted,* That the said corporation may hold and possess such real estate, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding in value the sum of fifty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

First meeting.

SECT. 3. *Be it further enacted,* That any two of the persons, named in said act of incorporation, be, and they are hereby authorized to call the first meeting of said corporation, by giving

notice of the time and place of meeting, in some public newspaper, printed in the city of Boston, at least seven days before the time of said meeting. [June 16, 1827.]

An Act in addition to an Act, entitled "An Act to unite the towns of Dighton and Wellington, in the county of Bristol."

Chap. 22.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of Wellington be, and the same is hereby revived, and shall continue to exist one year from the passing of this act, for the purpose of adjusting its corporate concerns, and for no other purpose.

1825 ch. 101.
1826 ch. 105.

Town of Wellington revived.

SECT. 2. *Be it further enacted,* That any justice of the peace for the county of Bristol, is hereby authorized to issue his warrant to any freeholder resident within the late corporation of Wellington, requiring him to warn the inhabitants thereof to meet at the time and place therein appointed, for the purpose of choosing such officers as may be necessary to carry into effect the objects of this act. [June 16, 1827.]

First meeting.

An Act authorizing an extra term of the Court of Sessions in the County of Barnstable.

Chap. 23.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be an extra term of the court of sessions at Barnstable, in the county of Barnstable, on the last Tuesday of January current, and that the justices of said court be, and they are hereby empowered, at said term, to make out a new estimate for a county tax for said county, and to make such orders, and take such measures, as to them may seem proper, respecting the erection of any county building or buildings, and to act upon such other subjects as may then come before them, in consequence of the late destruction by fire of the public records and county building of that county, in the same way and manner as they might act thereon at any stated term of said court : *provided,* that all other matters within the jurisdiction of said court, and all matters now pending in said court, shall be heard, proceeded in and determined, as if this act had not been passed. [Jan. 16, 1828.]

Extra term authorized.

Proviso.

An Act in addition to the several Acts incorporating the President, Directors and Company of the Asiatic Bank.

Chap. 24.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the capital stock of the Asiatic Bank be three hundred and fifty thousand dollars, divided into seven thousand shares of fifty dollars each ; and that three months from and after the passing of this act, be allowed for the payment into said bank, of all assessments due on said shares.

1824 ch. 40.
1825 ch. 168.
1826 ch. 69.

Capital stock, shares, &c.

SECT. 2. *Be it further enacted,* That all acts, and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed. [Jan. 28, 1828.] Add. acts, 1829 ch. 75 : 1830 ch. 58.

Repeal.

Chap. 25.

An ACT to incorporate the Proprietors of Haverhill Academy.

Persons incor- porated.	SECT. 1. <i>BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,</i> That Hiram Plummer, Warner Whittier, Jonathan K. Smith, James H. Duncan, John Dow, William Caldwell, together with such other persons as are, or hereafter may be associated with them, and their successors and assigns, shall be a corporation, by the name of "the Proprietors of Haverhill Academy," and by that name may sue and be sued, plead and be impleaded, to final judgment and execution, and may have a common seal, and may purchase and hold any real or personal estate not exceeding thirty thousand dollars in value, inclusive of any buildings and the land attached thereto, for the immediate use of said academy : <i>provided</i> , the annual income shall not exceed ten thousand dollars, and may, at any legal meeting, make and establish rules, orders and by-laws, for the well ordering and governing the affairs of said corporation : <i>provided</i> , the same are not repugnant to the laws of this Commonwealth ; and may annex penalties for the breach of any such rules, orders, or by-laws, provided the same shall not exceed five dollars ; and the said corporation are hereby vested with all the powers necessary for carrying into effect the purposes of this act.
General powers.	
Estate.	
By-laws.	
Shares.	SECT. 2. <i>Be it further enacted,</i> That the property of said corporation shall be divided into shares, and the proprietors of said shares, at any legal meeting, may, by vote, determine the disposition or appropriation of the property of said corporation ; and may make assessments upon the shares for the use of said corporation, and the same collect in such way and manner as may be agreed upon ; and all votes shall be determined by a majority of the voters present, counting one vote for each share : <i>provided</i> , no one member in his own right shall have more than five votes ; and the shares of any proprietors who shall be delinquent in paying any assessment, may be sold at auction for the payment thereof, by the person appointed to collect the same, giving at least fourteen days notice in some public newspaper printed in Haverhill, or by posting notifications at two or more public places in Haverhill, of the time and place of sale ; and, after paying the assessments, and all the necessary incidental charges, the overplus money, if any, arising from the sale, shall be paid to the delinquent proprietor ; and the shares in said corporation shall be deemed personal estate, and shall be liable to attachment and payment of debts in the same way and manner as is provided for by the "act directing the mode of attaching on mesne process, and selling, by execution, shares of debtors in incorporated companies ;" and the proprietors may establish the manner of transferring the shares in said corporation.
Assessments.	
Right of voting.	
Shares of delinquents may be sold.	
1804 ch. 83.	
Appointment of officers, &c.	SECT. 3. <i>Be it further enacted,</i> That said corporation may appoint all such necessary officers, and for such term of time, and with such authority as by their by-laws they may es-

tablish for the due management of the affairs of the corporation, and the care and regulation of the school ; and no vote of the proprietors at any meeting shall be deemed valid, unless the subject matter thereof shall be inserted particularly in the notification for calling the meeting.

SECT. 4. *Be it further enacted*, That Moses Wingate, Esquire, be empowered to call the first meeting of said proprietors, by giving at least fourteen days notice in some public newspaper printed in Haverhill. First meeting.

SECT. 5. *Be it further enacted*, That the Legislature of this Commonwealth shall have power, at any time hereafter, to alter or repeal this act. [*Jan.* 28, 1828.] Legislative control.

An Act in addition to an Act, entitled "An Act to incorporate the Third Congregational Society in Cambridge."

Chap. 27.

1827 ch. 4.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the owners of a pew or pews in the meeting-house of said third congregational society in Cambridge, together with the original shareholders therein, shall compose and constitute the corporation created by the act to which this is in addition, and have all the rights and privileges of membership, and may raise money by a tax on the pews in said meeting-house, for the support of public worship therein, and defraying other necessary expenses of said society, until the fifth and sixth sections of said act of incorporation shall come into operation by the sale or division of all the pews in said house, in conformity to the fifth section of said act.

Who shall constitute corporation, &c.

SECT. 2. *Be it further enacted*, That said society shall have the power by vote, and on such conditions as they shall think expedient, to exempt from taxes both before and after said fifth and sixth sections shall come into operation as aforesaid, such of the original shareholders in, or subscribers to said meeting-house, as may purchase pews therein, or invest their stock in said meeting-house in pews, and all pews that shall remain unsold belonging to the shareholders, while and so long as the pews owned by said shareholders or subscribers, shall remain unsold or unoccupied by them. [*Feb.* 1, 1828.]

Exemption from taxes.

An Act to establish the Wareham Iron Company.

Chap. 28.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jared Pratt, Isaac Pratt, Charles Wilbar, Benjamin Thompson, Newton Willey, Josiah L. James, Benjamin Rodman and Nathan Caswell, together with such other persons as have associated or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation by the name of the Wareham Iron Company, for the purpose of rolling copper, and rolling and slitting iron, and manufacturing bar iron, steel, anchors, nails, machinery and all other modifications of iron, copper, and other metals, in the town of Wareham, and for this purpose shall have all the powers,

Persons incorporated.

Powers and duties.

1808 ch. 65.

Real and personal estate.

and privileges, and be subject to all the duties and requirements contained in an act passed in the year of our Lord, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and in the several acts passed in addition thereto.

SECT. 2. *Be it further enacted*, That the said Wareham Iron Company in their corporate capacity, may lawfully hold and possess all such real and personal estate, as may be necessary and convenient for carrying on the said manufactures, and the conducting their said business : *provided*, the value of such real estate shall not exceed one hundred and fifty thousand dollars, and the value of such personal estate shall not exceed two hundred thousand dollars. [*Feb. 1, 1828.*]

Chap. 29.

1813 ch. 3.
1826 ch. 58.

Ministerial fund.

An Act in addition to an Act entitled "An Act to incorporate the trustees of the Ministerial Fund in the town of Berkley."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That an act, entitled "An Act to incorporate the trustees of the Ministerial Fund in the town of Berkley," passed June the ninth in the year of our Lord, one thousand eight hundred and thirteen, shall be so construed, as to place the said ministerial fund within the control, and subject to the management of the congregational society in the town of Berkley.

Accountability of trustees.

SECT. 2. *Be it further enacted*, That the trustees of said fund, and their successors in office, shall be held accountable to the said congregational society only, and not to the town.

Legislative control.

SECT. 3. *Be it further enacted*, That this act may be altered, amended, or repealed, at the pleasure of the Legislature. [*Feb. 1, 1828.*] Add. act, 1832 ch. 30.

Chap. 30.

Boundary line.

An Act altering the Dividing Line between the towns of Southampton and Easthampton.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the dividing line between the towns of Southampton and Easthampton be altered as follows, that is to say : beginning at the northwest corner of Hervey Coleman's land, at a stake and stones, in the existing line between said towns, thence on the line between land of said Coleman and the heirs of Solomon Clapp, deceased, south, sixty-nine degrees east, eighteen rods, thence south, forty-eight degrees east, five rods and nineteen links, to land of Worcester Avery, thence between the said Avery's and said Coleman's land, south, nineteen and one half degrees west, twenty-nine rods, to land of Samuel Coleman, thence between said Coleman's and said Avery's land, north, eighty-nine and one half degrees east, fifty-five rods and eleven links, thence south, thirty-five and one half degrees east, twenty-nine rods, to the highway, thence, on the highway aforesaid, south, seventy-one degrees west, twenty-nine rods, to the northwest corner of Samuel Coleman's home lot, thence between said Coleman's and Spencer Clapp's land, south, nineteen and one half degrees east, thirty-six rods, to a pine tree, thence south, twenty-three and one half

degrees east, to a pile of stones in the present line between said towns, thence south, eighty-three and one half degrees east, fifty-three rods and five links, to a stake and stones in the line between said Coleman's land and the heirs of Solomon Clapp, thence south, three degrees east, one hundred and seventeen rods and five links to a stake and stones in the present line between said towns. [Feb. 1, 1828.]

AN ACT in addition to an Act, entitled "An Act to incorporate certain persons as Trustees of a Fund for the support of a Congregational Gospel Minister in the South Parish in Bridgewater."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the trustees of a fund for supporting a congregational gospel minister in the south parish in Bridgewater, shall take, and hereafter use and be known by the name of the 'Trustees of a Fund for the support of a Congregational Gospel Minister in the First Parish in Bridgewater, and the said trustees shall hold and exercise the same powers, and be subject to the same liabilities, as they would have held, exercised, and been subject to, had not the name of said trustees been altered. [Feb. 1, 1828.]

AN ACT to incorporate the Boston Beer Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Gamaliel Bradford, Nathan Rice, Benjamin Thaxter, and Elijah Loring, together with such other persons as are, or may become associates with them, their successors, and assigns, be, and they hereby are made a corporation, by the name of the Boston Beer Company, for the purpose of manufacturing malt liquors in all their varieties, in the city of Boston, and, for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said corporation may hold and possess such real estate, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be found necessary and convenient for carrying on the manufacture of malt liquors in the city of Boston. [Feb. 1, 1828.]

AN ACT to incorporate the Williamstown Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Noble, Samuel Smith, Daniel N. Dewey, Gershom T. Bulkley, together with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Williamstown Manufacturing Company, for the purpose of

Chap. 31.

1802 ch. 47.
(v. 3. p. 38.)

Name altered.

Chap. 32.

Persons incorporated.

Powers and duties.

1808 ch. 65.

Real and personal estate.

Chap. 33.

Persons incorporated.

Powers and
duties.

1808 ch. 65.

Real and per-
sonal estate.

manufacturing cotton and wool, at Williamstown, in the county of Berkshire, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, entitled, "an act defining the general powers and duties of manufacturing corporations," passed March third, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding the value of thirty thousand dollars, as may be necessary for establishing and carrying on the manufacture of cotton and wool at Williamstown aforesaid. [Feb. 1, 1828.]

Chap. 34.

1823 ch. 129.

Valuation
altered.

An Act in addition to an Act entitled "An Act to alter the Division Line between New Salem and Shutesbury."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, in consideration of the territory and population by the act aforesaid taken from the town of Shutesbury, and annexed to the town of New Salem, the respective valuations of those towns be so varied, that one fourteenth part of the valuation of Shutesbury be taken from that town, and added to the valuation of the town of New Salem, and the respective valuations, so varied, shall be observed in all future assessments of state and county taxes, until otherwise ordered by the General Court. [Feb. 1, 1828.]

Chap. 35.

Persons incor-
porated.

Powers and
duties.

1808 ch. 65.

Real and per-
sonal estate.

An Act to incorporate the Neponset Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Oliver Dean, Willard Sales, and Samuel A. Hitchcock, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Neponset Manufacturing Company, for the purpose of manufacturing cotton at Walpole, in the county of Norfolk, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed March third, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of forty thousand dollars, and such personal estate, not exceeding the value of sixty thousand dollars, as may be necessary for establishing and carrying on the manufacture of cotton at Walpole, aforesaid. [Feb. 1, 1828.]

An Act in addition to an Act to incorporate the President, Directors and Company of the Taunton Bank. *Chap. 36.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Taunton Bank be, and hereby are authorized and empowered to increase their present capital stock, by an addition of seventy-five thousand dollars thereto, in shares of one hundred dollars each, which shall be paid, in such instalments, and at such times, as the president and directors of said bank may direct and determine: *provided, however,* that the whole amount shall be paid in on or before the first day of April, in the year of our Lord one thousand eight hundred and twenty-nine. *1812 ch. 49.*

Authorized to increase capital stock

Proviso.

SECT. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the present capital stock of said corporation is now holden by virtue of the act to which this is in addition. *Additional stock subject to tax, &c.*
[Feb. 1, 1828.] Add. acts, 1830 ch. 58, 86.

An Act in addition to "An Act to incorporate the Hamilton Manufacturing Company." *Chap. 37.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Hamilton Manufacturing Company, in the town of Lowell, may, in addition to their present capital, hold and use, as personal estate, for manufacturing purposes, any sum not exceeding four hundred thousand dollars. [Feb. 1, 1828.] Add. act, 1832 ch. 50. *1824 ch. 44.*

An Act authorizing the Selectmen of Williamstown to lay out private ways for the use of persons living on the Gore of land called Trees Grant. *Chap. 38.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the town of Williamstown, in the county of Berkshire, be, and they hereby are authorized and empowered to lay out particular and private ways, for the use of Samuel Comstock, or any other persons living on the gore of land adjoining the southwesterly part of said town, called Trees Grant, in the same way and manner that they are authorized and empowered to lay out particular and private ways for the use of individuals living in said town of Williamstown, or proprietors therein. [Feb. 4, 1828.] *Selectmen authorized to lay out private ways.*

An Act to regulate the transportation of Gunpowder, within and through the towns of Cambridge and Medford, in the county of Middlesex. *Chap. 39.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the first day of March next, whenever any quantity of gunpowder, exceeding one hundred pounds, shall be transported by land into, or through either of the towns of Cambridge and Medford, in the county of Middlesex, the same shall be enclosed in tight casks, boxes or canisters, that shall prevent the escape of any particle of their contents; and shall be conveyed in carriages or vehicles, closely and entirely covered with leather, or painted canvass; and the bottom and *Transportation of gunpowder.*

sides thereof wholly covered with some soft substance, which shall prevent any dangerous friction ; and no load of gunpowder shall be approached, or followed by another load of gunpowder belonging to the same concern, within fifty yards, or stop within forty rods of any dwelling-house, in either of the towns aforesaid, longer than ten minutes.

Gunpowder
now landed
from a vessel.

Proviso.

SECT. 2. *Be it further enacted*, That no quantity of gunpowder, exceeding one hundred pounds, shall, at any time or place, in either of said towns, be landed from any vessel or boat, or unloaded from any waggon or other vehicle, until application, for that purpose, has been made to one or more of the firewards of said towns respectively, in which said gunpowder may be ; and under, and, according to his or their order and direction, and not otherwise, it may be landed, or unloaded, or transported to its place of destination : *provided*, that none of the provisions of this act shall extend to, or in any way affect, the landing or unloading gunpowder from any vessel, boat, waggon or other vehicle, upon or from the wharf near the Massachusetts magazine, in said town of Cambridge : *and provided, also*, that when Charles River, above Canal bridge, shall be so obstructed by ice, as to render the delivery from the wharf aforesaid impracticable, then, and while Charles River shall be obstructed as aforesaid, gunpowder may be unloaded upon, and delivered from the pier by the draw in the bridge extending from Prison point in Charlestown, to Canal bridge, to be unloaded and delivered from said pier, as near full tide as possible, and with all possible expedition.

Penalty for vio-
lation of this
act.

SECT. 3. *Be it further enacted*, That, if any person or persons, in transporting gunpowder into, or through either of the said towns, shall violate any of the provisions of this act, he or they shall forfeit and pay, for each offence, a sum not less than ten, nor more than one hundred dollars, to the use of the town in which the offence may be committed, to be recovered in an action of debt, in any court proper to try the same. [*Feb. 4, 1828.*]

Chap. 40.

An Act to establish a Fund for the support of the Congregational Ministry in the North Congregational Society in the East Parish in the town of Barnstable.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abner Davis, David Crocker, John Munroe, John Easterbrooks and Asa Young, be, and hereby are constituted a body politic and corporate, by the name of the Trustees of the Barnstable Congregational Ministerial Fund, and that they and their successors shall continue a body politic and corporate forever, and, by the same name, may sue and be sued, in all actions, and may prosecute the same to final judgment and execution.

Society may
choose trustees.

SECT. 2. *Be it further enacted*, That the said society, at their annual meeting in March or April, may choose five trustees, who shall be successors to those named in this act, and they and their successors shall hold their offices until others shall

be chosen, and have accepted the trust by entering upon the duties of their office, and that said society may also, at any legal meeting holden for that purpose, choose a trustee or trustees to supply any vacancy that may happen.

SECT. 3. *Be it further enacted,* That any gift, grant, bequest or devise, which may hereafter be made to said trustees, shall be valid and effectual to all intents and purposes whatever; and they and their successors, as aforesaid, are hereby empowered, by purchase or operation of law, to take, have, hold, use, improve and manage any estate real or personal, the annual income of which shall not exceed the sum of one thousand dollars, in trust and for the support and maintenance of the Congregational Ministry in said society; and, during any vacancy in said society, of a regular ordained and settled minister, they shall appropriate such income or interest to the increase of their principal fund, any thing herein to the contrary notwithstanding.

Real or personal estate.

SECT. 4. *Be it further enacted,* That said trustees may assemble and meet together as often as they shall think necessary for the promotion of their trust, any three of whom shall constitute a board for doing business; but the concurrence of three at least shall be requisite to every act and proceeding whatever. They may determine the manner of calling meetings; may appoint a clerk, treasurer, an agent or agents, and other needful officers; and may make reasonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the constitution and laws of this Commonwealth; may have a common seal, and change the same at their pleasure; may alienate, by good and sufficient deed or deeds, any of the parsonage lands, belonging to said parish, which said society may, at a legal meeting holden for that purpose, from time to time direct; and they may also alienate, by good and sufficient deeds at law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law.

Powers of trustees.

SECT. 5. *Be it further enacted,* That the clerk of said corporation, who shall be a member thereof, and shall be sworn in the same manner as town officers are, shall have the care and custody of all papers and documents belonging to said trustees, and shall fairly and carefully record all their votes and proceedings, in a book kept for that purpose, and shall certify the same when thereto required; and he may call meetings when directed by said trustees, and do whatever else may be incident to said office, and he shall, on demand, deliver to his successor in office, as soon as may be, all the papers, records and documents in his hands, in good order and condition; and, if he shall neglect so to do for thirty days next after such demand, he shall forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such neglect afterwards.

Duties of the clerk.

SECT. 6. *Be it further enacted,* That the treasurer of said trustees shall be the receiver of all money and effects due, owing and coming to them, and may demand, sue for and recover the same in their name, and he shall have the care and custody of all

Duties of the treasurer.

the monies and effects, obligations and securities, for the payment of money or other things, and all evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done, and he shall deliver to his successor in office, as soon as may be after demand, all the books, papers, property and evidence of property in his hands, in good order and condition, and give bond to said trustees and their successors with sufficient sureties, to be approved by them, in the penal sum of three thousand dollars at least, conditioned to do and perform all the duties incumbent on him as their treasurer; and, if he shall fail to deliver to his successor, as aforesaid, for the space of thirty days next after such demand, or to give bond, as aforesaid, for thirty days next after such treasurer shall be duly chosen, and have accepted the office, he shall, for either neglect, forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month, for such failure or neglect afterwards.

Trustees amenable for negligence, &c.

SECT. 7. *Be it further enacted*, That it shall be the duty of said trustees to use and improve such funds or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to promote the design thereof, and they shall be amenable to the said society, for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired or suffer loss; and the treasurer of said society may have and maintain a special action on the case against the proper persons of said trustees, and their goods and estate, jointly or severally, or against any two or more of them, for such negligence or misconduct, and recover adequate damages therefor, and every sum, so recovered, shall be deemed to be for the benefit of said fund, and shall be paid to the treasurer of said trustees, who may have an action of debt therefor accordingly.

Trustees to keep records, and make annual reports to the society.

SECT. 8. *Be it further enacted*, That the said trustees shall cause to be recorded, and kept in their book of records, by their clerk, a statement of the funds and estate in their hands, wherein shall be particularly designated, the nature and amount of each original grant or donation, the period when made, the design thereof, and the donor's or grantor's name, and place of abode, with such other circumstances, as they shall think useful and proper to distinguish the same, and perpetuate the remembrance thereof; and they shall make report of such statement to said congregational society, at their meeting in March or April annually, where the same shall be publicly read, or to a select committee, if said society shall choose one for that purpose, together with a specific statement of what estate they actually hold, and by what tenure, what money and effects are due to them, and how the same are secured, and what receipts have been obtained, and disbursements made by them the preceding year.

SECT. 9. *Be it further enacted*, That said trustees shall al-

ways loan, upon interest, all the money belonging to said fund, in sums, not less than one hundred dollars, and for a term not exceeding five years, upon the bond or note of the borrower, with approved guarantees, and interest annually, or invest the monies belonging to said fund in such public securities as shall to them appear most advisable.

Fund to be loaned on interest.

SECT. 10. *Be it further enacted*, That it shall never be in the power of said trustees, or said congregational society, to alienate any part of the capital fund thereof; but the interest or income, if the society, at a legal meeting holden for that purpose, so direct, may be applied for the support of a regular ordained gospel minister, and for no other purpose whatever, until the interest or income of said fund shall amount to six hundred dollars per annum, after which time, the surplus income, over and above that sum, may be applied for other parochial purposes, if said society, at a legal meeting holden for that purpose, so direct.

Fund not to be alienated; interest to be applied for support of minister.

SECT. 11. *Be it further enacted*, That said trustees shall be entitled to receive a reasonable compensation for their services in managing and taking care of said funds and estate, to be paid by said congregational society; but no part of said funds or estate, or of the income thereof, shall ever be appropriated for that purpose.

Compensation of trustees.

SECT. 12. *Be it further enacted*, That all fines and forfeitures, incurred for any breach of this act, shall and may be recovered, in an action of debt, by the treasurer of said congregational society, if he shall sue for the same within one year after the same shall be incurred, to the use and benefit of said fund.

Fines.

SECT. 13. *Be it further enacted*, That Abner Davis, Esq., is hereby authorized and directed to appoint the time and place for holding the first meeting of said trustees, and to warn such meeting accordingly.

First meeting.

SECT. 14. *Be it further enacted*, That this act may be altered, amended or repealed, at the pleasure of the Legislature.

Legislative control.

[Feb. 4, 1828.]

An Act in addition to the several Acts establishing and continuing the Boston Marine Insurance Company.

Chap. 41.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person shall hereafter be ineligible as a director of the Boston Marine Insurance Company, by reason of his being a director in any other company carrying on the business of marine insurance, any thing in the acts to which this is in addition to the contrary notwithstanding. [Feb. 4, 1828.]

1798 ch. 50.
(v. 2. p. 265.)
1803 ch. 123.
(v. 3. p. 384.)
1808 ch. 3.
1817 ch. 4.
1826 ch. 113.

An Act in addition to "An Act to incorporate the President, Directors and Company of the Merchants' Bank of New Bedford."

Chap. 42.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Merchants' Bank of New Bedford be, and they hereby are, authorized to increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred

1825 ch. 37.

Authorized increase capital stock.

Proviso.

Additional stock subject to tax, &c.

dollars each, which shall be paid, in such instalments, and at such times, and shall be so disposed of, as a majority of the stockholders of said bank, at any legal meeting, may direct and determine : *provided, however*, that the whole amount thereof shall be paid in, within one year from the passing of this act.

SECT. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the present capital stock of said corporation is now holden by virtue of the act to which this is in addition. [Feb. 4, 1828.] Add. acts, 1830 ch. 58, 104.

Chap. 43.

An Act to incorporate the Middlesex Union Factory Company.

Persons incorporated.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John W. Trull, Isaac Danforth and Oliver Eldridge, together with such others as now are, or may hereafter be associated with them, their successors or assigns, be, and they hereby are, made a corporation, by the name of the Middlesex Union Factory Company, for the purpose of manufacturing cotton and woollen goods in the town of Hopkinton ; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the said “Middlesex Union Factory Company” may lawfully hold and possess such real estate, not exceeding the value of fifteen thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 4, 1828.]

Chap. 44.

1826 ch. 83.

Authorized to insure in Hampshire and Franklin counties.

An Act in addition to “An Act to incorporate the Mutual Fire Assurance Company of Springfield and the vicinity.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Mutual Fire Assurance Company of Springfield and the vicinity be, and they are hereby authorized to insure any dwelling-house, or other building, in the counties of Hampshire and Franklin, according to the provisions made in the act to which this is in addition. [Feb. 4, 1828.]

Chap. 45.

An Act to incorporate the Appleton Company.

Persons incorporated.

Powers and duties.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas H. Perkins, Ebenezer Francis and Samuel Appleton, with such as already have, or hereafter may associate with them, their successors or assigns, be, and they hereby are made a corporation, by the name of the Appleton Company, for the purpose of manufacturing cotton and woollen goods, in the town of Lowell ; and for that purpose shall have all the powers and privileges, and be subject to all the duties and

requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and in the several acts in addition thereto. 1808 ch. 65.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of one million of dollars; and they may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of one hundred thousand dollars, exclusive of buildings and improvements that may be made thereon by the said corporation. [Feb. 4, 1828.] Capital stock. Real estate.

An Act to incorporate the Proprietors of the Meeting-house of the Congregational Society in Salisbury and Amesbury. Chap. 46.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Horton, Joshua Aubin, John Blaisdel, Junior, James Homer, and all other persons who now are, or may hereafter become proprietors of the meeting-house of the congregational society in Salisbury and Amesbury, their successors and assigns, be, and they hereby are, constituted a body corporate and politic, by the name of the Proprietors of the Meeting-house of the Congregational Society in Salisbury and Amesbury; and by that name may sue and be sued, plead and be impleaded, have and use a common seal, and possess and enjoy all the privileges, powers and immunities, to which similar corporations are, by the constitution and laws of this Commonwealth, entitled; and shall have authority to take, hold and possess, by gift, grant, devise or otherwise, any real estate, including their meeting-house, and their land under and adjoining the same, to the amount of ten thousand dollars; and shall have authority to choose, by ballot, in the month of March or April, annually, a treasurer, collector, clerk, assessors, and such other officers, and make such by-laws and regulations, as shall seem to them expedient, for the management of their concerns: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth. Persons incorporated. Powers and privileges. Real estate.

SECT. 2. *Be it further enacted*, That the corporation aforesaid shall have full power and authority to sell, dispose of, and convey for years, for life, or in fee, all or any portion of their real estate. Corporation may convey real estate.

SECT. 3. *Be it further enacted*, That all taxes or assessments, to which the property and estate of the Salisbury manufacturing company, and the Amesbury flannel manufacturing company, are by law liable, for the support of public worship in Salisbury and Amesbury, shall be laid and assessed by, and payable to the “congregational society of Salisbury and Amesbury,” or its proper officers, for the support of public worship in the meeting-house of said society: *provided, however*, that the said manufacturing companies shall have the right to pay over to the old parishes in Salisbury and Amesbury, such part of the taxes, so assessed, as they may think fit, not exceeding one half thereof. Taxes of Salisbury and Amesbury Man. Co.

Proprietors may
tax pews.

SECT. 4. *Be it further enacted*, That the said proprietors, at their first meeting, and at their annual meetings, afterwards, may vote and raise such sum or sums of money, as may be necessary for the purpose of repairing, altering, enlarging or improving their meeting-house, and lands adjoining, which sum or sums shall be assessed on said proprietors, according to a valuation of their pews in said meeting-house, which valuation shall be made by the assessors, when, and as often, as the corporation shall by vote determine. And any person, purchasing a pew or

Right of voting.

pews in said meeting-house, shall be a proprietor, and be entitled to as many votes as he owns pews; and, provided a pew is owned by two or more persons, they shall jointly be entitled to one vote; and the said pews, or parts of pews shall be holden for payment of all assessments, and any proprietor, neglecting or refusing to pay the same for three months after it shall become due, the collector may sell the same at public auction, by posting notices of such sale, at the said meeting-house, seven days at least before the day of sale, and notifying the proprietor, in writing, at least two days before the time of sale; and the overplus arising from the sale, if any there be, after paying the expenses, shall [*be*] paid to the said proprietor.

Pews may be
sold for pay-
ment of assess-
ments.

Execution and
recording of
deeds.

SECT. 5. *Be it further enacted*, That all deeds of pews, or other property, shall be signed by the assessors, and attested by the clerk, and by him shall be recorded in a book, to be kept for that purpose, which record shall be valid in law, and equivalent to its being recorded in the registry for the county.

First meeting.

SECT. 6. *Be it further enacted*, That the first meeting of the said corporation may be called by a warrant from any justice of the peace within and for the county of Essex, directed to either of the proprietors, who shall have power to warn the same. And all subsequent meetings shall be called in the same manner as is by law provided for the calling of parish meetings. [*Feb. 4, 1828.*]

Chap. 47.

An ACT to incorporate the Lowell Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Frederick Cabot, William Whitney, and Richard C. Cabot, with such others as already are, or hereafter may be associated with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Lowell Manufacturing Company, for the purpose of manufacturing woollen and cotton goods in the town of Lowell, and shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an act, passed in the year of our Lord, one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and also the several acts in addition thereto.

Powers and du-
ties.

1808 ch. 65.

Capital stock.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed five hundred thousand dollars,

and they may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of one hundred thousand dollars, exclusive of buildings and improvements that may be made thereon. [*Feb. 8, 1828.*] Add. act, 1832 ch. 89.

AN ACT to incorporate the Douglas Manufacturing Company.

Chap. 48.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Dorr, Samuel Lovett, George Howe, Samuel F. Dorr, and such others, as are now, or may be hereafter associated with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Douglas Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Douglas, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, passed the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and of such personal estate, not exceeding seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and woollen goods in the town of Douglas aforesaid.

Real and personal estate.

SECT. 3. *Be it further enacted,* That this act may be amended or repealed, at any time hereafter, at the pleasure of the Legislature. [*Feb. 8, 1828.*]

Legislative control.

AN ACT to incorporate the Institution for Savings in Haverhill and its vicinity.

Chap. 49.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles White, Leonard White, Nathaniel Hills, Warner Whittier, John Dow, Ezra C. Ames, Gilman Parker, Benjamin Greenleaf, Benjamin Parker, Isaac R. Howe, William Merrill, Thomas Harding, Jesse Harding, William Greenough, David Marsh, Jr., Phineas Carleton, Eliphalet Kimball, Thomas Newcomb, Moses Wingate and James H. Duncan, and such others as may be duly elected, and their successors, be, and they are hereby incorporated into a body politic, by the name of the Institution for Savings in Haverhill and its vicinity.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said corporation shall be capable of receiving, from any person or persons disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and of using and improving the same, for the purposes, and according to the directions, herein mentioned and provided.

Deposits of money.

SECT. 3. *Be it further enacted,* That all deposits of money, received by the said institution, shall be used and improv-

Income to be divided among depositors.

ed to the best advantage, and may be invested in such manner as best to promote the objects of the institution, and the same institution may, by its treasurer, subscribe to the capital stock of any bank already incorporated, or that may hereafter be incorporated within this Commonwealth; and the net income or profit of said deposits shall be, by said institution, applied and divided among the persons making the said deposits, their executors, administrators, or assigns, in just proportion; and the principal of such deposits may be withdrawn at such reasonable times, and in such manner, as the said institution shall direct and appoint.

Election of members.

SECT. 4. *Be it further enacted*, That the said corporation shall, at their first meeting, and at their annual meeting in January, have power to elect, by ballot, any other person or persons as members of said society.

General powers.

SECT. 5. *Be it further enacted*, That the said corporation may have a common seal, which they may change and renew at pleasure, and that all deeds, conveyances, grants, covenants, and agreements, made by their treasurer, or any other person, by their authority and direction, shall be good and valid, and the said corporation shall, at all times, have power to sue, and be sued, and may defend, and shall be held to answer by the name aforesaid.

Annual meeting.

SECT. 6. *Be it further enacted*, That the said corporation shall hereafter meet at Haverhill, at such time in the month of January annually, and at such other times as the corporation, or the president thereof may direct, and any seven members of said corporation, the president, a vice president, treasurer, or secretary, being one, shall be a quorum, and the said corporation, at their first meeting, and at their meetings in January annually, shall have power to elect by ballot a president, and all such other officers, as to them shall appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their stead; and the treasurer and secretary, so chosen, shall be sworn to the faithful performance of the duties of their respective offices.

Legislative examination and control.

SECT. 7. *Be it further enacted*, That the officers and agents of said institution, shall lay a statement of the affairs thereof before any persons appointed by the Legislature, to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them, concerning the same under oath, and the said corporation is hereby vested with the power of making by-laws for the more orderly managing the business of the corporation: *provided*, the same are not repugnant to the constitution or laws of this Commonwealth, and the Legislature may, at any time, make such further regulations for the government of said institution, as they may deem expedient, and may, at any time hereafter, alter, amend, or repeal this act.

First meeting.

SECT. 8. *Be it further enacted*, That either of the persons, named in the first section of this act, is authorized, by public

notice in the newspaper printed in Haverhill, to call the first meeting of said corporation, at such time and place as he may judge proper. [*Feb.* 8, 1828.]

An ACT to incorporate the Worcester County Institution for Savings.

Chap. 50.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Waldo, Solomon Strong, Frederick W. Paine, Samuel B. Thomas, Pliny Merrick, Benjamin Butman, Andrew H. Ward, Stephen Salisbury, Jr., Seth Hastings, Samuel Jennison, Silas Brooks, David Brigham, William Stedman, Stephen Goddard, Calvin Willard, Simeon Sanderson, Oliver Fiske, Jesse Bliss, Benjamin Adams, Charles Allen, William S. Hastings, George Wall, James Draper, John W. Lincoln, Isaac Goodwin, John M. Earle and Emory Washburn, and such others as may be duly elected, and their successors, be, and they hereby are incorporated into a body politic, by the name of the Worcester County Institution for Savings.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said corporation shall be capable of receiving, from any person or persons, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions, herein mentioned and provided.

Deposits of money.

SECT. 3. *Be it further enacted,* That all deposits of money, received by the said institution, shall be, by them, used and improved to the best advantage; and the income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors, administrators or assigns, in just proportions, with reasonable deductions; and the principal of such deposits may be withdrawn at such times, and in such manner, as the said institution shall direct and appoint.

Deposits to be improved and income divided among depositors.

SECT. 4. *Be it further enacted,* That the corporation shall, at any legal meeting, have power to elect, by ballot, any other person or persons as members of the said institution.

Election of members.

SECT. 5. *Be it further enacted,* That the said institution shall have a common seal, which they may change and renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements, made by their treasurer, or by any other person by their authority and direction, shall be good and valid; and the said corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer, by the name, style and title aforesaid.

General powers.

SECT. 6. *Be it further enacted,* That the said institution shall hereafter meet at Worcester, some time during the regular term of the sitting of the supreme judicial court for the county of Worcester, in the spring of each year, and as much oftener as they may judge expedient; and any five members of the said corporation (the president, secretary, or treasurer being one) shall be a quorum; and the said corporation, at their annu-

Annual meeting.

al meeting, shall have power to elect a president, and all such other officers as to them may appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their stead ; and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

Legislative examination and control.

SECT. 7. *Be it further enacted*, That the officers and agents of the said institution, shall lay a statement of the affairs thereof, before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them concerning the same, under oath ; and the said corporation may make by-laws, for the more orderly management of their business, provided that the same be not repugnant to the constitution and laws of this Commonwealth ; and the Legislature may, at any time, make such further regulations for the government of said institution as they may deem expedient ; and may, at any time hereafter, alter, amend, or repeal this act.

First meeting.

SECT. 8. *Be it further enacted*, That either of the persons, named in the first section of this act, may, by public notification in either of the Worcester newspapers, call the first meeting of said corporation, at such time and place as he shall judge proper. [*Feb. 8, 1828.*]

Chap. 51.

An ACT to incorporate the West Newbury Mutual Fire Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Hills, Eliphalet Emery, Samuel Tenny, Edmund Hills, Edmund Worth, Enoch Noyes, Jr., John Follansbee, Amos Bricket, Paul Bayley, Dudley Heath, Daniel Bayley, Jr., Dean Robinson, Enoch Thurlow, Moses Noyes, Josiah Parker, and their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the West Newbury Mutual Fire Insurance Company, with powers and privileges incident to such corporations, for the term of twenty-eight years.

Insurance of buildings.

SECT. 2. *Be it further enacted*, That when the sums subscribed to be insured shall amount to fifty thousand dollars, said corporation may insure, for the term of one to seven years, any buildings, goods or furniture, to any amount not exceeding three quarters of the value of the property insured.

By-laws.

SECT. 3. *Be it further enacted*, That said corporation may choose such officers, and establish such by-laws as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth ; and each member shall have as many votes as he has policies, and may vote by proxy.

Investment and appropriation of funds.

SECT. 4. *Be it further enacted*, That the funds of said corporation shall be vested in stocks, or loaned on such security as the directors may order, and shall be appropriated, first to pay the expenses of the corporation, and next to pay the dam-

ages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation, exceeding the amount of their existing funds, the directors shall, without delay, assess such sum as may be necessary on the members, in proportion to the amount of their premium and deposits for seven years ; but not to exceed treble the amount of such premiums and deposits.

SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds, but, if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the directors : *provided*, they first refuse, or neglect, for the space of sixty days, to satisfy the execution after formal demand be made on them for that purpose ; and any director, whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor.

Satisfaction of executions.

SECT. 6. *Be it further enacted*, That each policy of insurance shall, of itself, without any other ceremony, create a lien on any building insured, and on the land under it ; and this provision shall not prevent the taking other collateral security.

Policy to be a lien on estate.

SECT. 7. *Be it further enacted*, That, in case it shall become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession ; and, in case of non-payment, the corporation may sustain an action for any sum due, either on the deposit note, or by assessment ; and their execution may be levied on the insured premises ; and the officer making the levy may sell the whole, or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution ; and the owner shall have a right to redeem the estate, by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Treasurer shall demand payment, &c.

SECT. 8. *Be it further enacted*, That all and every person and persons, who shall at any time be interested in said company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer ; and shall, at all times, be concluded and bound by the provisions of this act.

Persons insuring to be members.

SECT. 9. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions ; and any member named in this act may call the first meeting, by advertising the same in the newspaper printed in Newburyport. [*Feb. 8, 1828.*]

First meeting.

An Act concerning the boundary line between the towns of Monson and Palmer.

Chap. 52.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the boundary line

Boundary line.

between the towns of Monson and Palmer, in the county of Hampden, from a point near the public house of John Sedgwick, in said Palmer, westerly to the line of the town of Wilbraham, in said county, shall be as follows, viz : beginning at the centre of Chickopee river, at the lower side of Scott's bridge, so called, near said Sedgwick's house, thence running south forty degrees west, eleven rods and twelve links to a pile of stones on the south side of the road leading to Wilbraham, thence running on the south side of said road to the first Massachusetts turnpike, thence on the south side of said turnpike road to Wilbraham line, Monson to bound northerly on said described line, and Palmer southerly thereon. [Feb. 8, 1828.]

Chap. 53.

An ACT to incorporate the Boston Chemical Company.

Persons incorporated.

[Location altered, 1827 ch. 111.]

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Clark, David Osgood and William Ingalls, and all such persons as may hereafter associate with them, their successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Boston Chemical Company, for the purpose of making mineral acids and other chemical preparations, and for pulverizing bark and other drugs in the city of Boston ; and, for that purpose, shall have all the powers and privileges, and be subject to all the duties and requisitions, contained in an act, passed on the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed forty thousand dollars, and that they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of ten thousand dollars, exclusive of buildings and improvements, which may be made thereon. [Feb. 8, 1828.] Add. act, 1827 ch. 111.

Chap. 54.

An ACT to incorporate the Dartmouth Bridge Company.

Persons incorporated.

First meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Howland, Caleb Anthony, Gilbert Howland, Joseph A. Bailey, Richard Sanford, Clark Ricketson and Luther Kirby, together with such other persons as now are associated or may be hereafter associated with them, be, and they are hereby made and constituted a corporation and body politic, by the name of the Dartmouth Bridge Company ; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters and things which bodies politic may or ought to do and suffer, and that said corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.

SECT. 2. *Be it further enacted,* That the said Nathaniel Howland may, by posting up notifications at some public places

in the town of Dartmouth, warn and call a meeting of the proprietors, to be holden at any suitable time and place in said town, after ten days from the posting up of said notifications ; and the proprietors, by a vote of the majority of those present, or duly represented at said meeting, allowing one vote to and for each share : *provided*, that no proprietor shall be allowed more than ten votes, shall choose a clerk, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and shall also determine the mode of calling future meetings, and may elect such officers, and make and establish such rules and by-laws, not repugnant to the laws and constitution of this Commonwealth, as to them may seem necessary and convenient for the regulation and government of the said corporation, and for collecting the toll herein after granted, and may annex penalties to the breach of any by-laws, not exceeding ten dollars for any one offence ; and all rules, regulations and proceedings of said corporation, shall be fairly and truly recorded by the clerk, in a book kept for that purpose.

Right of voting.

By-laws.

SECT. 3. *Be it further enacted*, That the said proprietors be, and they are hereby, authorized and empowered to erect a bridge over Aponagansett river, in the town of Dartmouth, building it with solid earth or stone, on a bar from the western side of said river, to the end, or nearly to the end, of said bar, thence by piers to the most convenient point on the eastern shore, with a convenient draw, at least thirty feet wide, for the passing of vessels ; and the said proprietors shall constantly keep some suitable person or persons at said bridge, who shall raise said draw for any vessel that may be passing up or down said river, free of expense to the owner thereof, and, if the person, whose duty it shall be to raise the draw for the passage of vessels, shall unreasonably neglect or refuse to do the same, the proprietors of said bridge shall, for every such neglect or refusal, be liable to a fine of ten dollars, for the benefit of the person or persons damaged by such delay, to be recovered in any court of competent jurisdiction to try the same.

Location of bridge.

Draw.

Penalty for not raising the draw.

SECT. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of said proprietors, according to the rates following, to wit : for each foot passenger, four cents ; for each horse and rider, eight cents ; for each horse and wagon, ten cents ; for each horse and chaise, chair, sulky, or sleigh, sixteen cents ; for each coach, chariot, or phaeton, twenty-five cents ; for each cart, sled, or other carriage of burthen, drawn by more than one beast, twenty cents ; for each horse without a rider, and for neat cattle, four cents each ; for sheep and swine, one cent each ; and one person, and no more, shall be allowed to each team as a driver, to pass free of toll, and the toll shall commence on the day of first opening the said bridge, and shall continue seventy years, and, at the place where the toll shall be received, there shall be erected, and constantly exposed to view, a sign board, with the rates of toll fairly and legi-

Rates of toll.

Legislature
may alter tolls.

Proviso.

bly written or painted thereon in large letters : *provided, nevertheless*, that the Legislature shall have a right, at any time after the expiration of fifteen years, to alter and regulate anew the rates of toll, to be received by said proprietors : *provided, also*, that when the receipts of toll, or income of the said bridge shall have amounted to a sum sufficient to defray the expense of building, repairing and sustaining the same, and paying the interest of nine per cent. on the first cost, the said bridge shall revert to the Commonwealth, or, when the inhabitants of the town of Dartmouth shall remunerate the said proprietors for the expense of said bridge, with nine per cent. interest thereon, (deducting what may have been received by tolls,) said bridge shall be opened free of toll, any thing in this act to the contrary notwithstanding.

Return of ex-
penses and
income.

SECT. 5. *Be it further enacted*, That the said bridge shall be well built of suitable materials, that it shall be at least twenty-two feet wide, with sufficient rails on each side, and the said bridge shall be kept in good repair at all times ; and the said corporation shall, within six months from the time they shall commence receiving toll at the said bridge, lodge in the secretary's office, an account of the expenses of erecting the same, and they shall annually, in the month of January, exhibit, to the governor and council, a true account of the income or dividends arising from said toll, with their necessary annual disbursements on said bridge. And the books of said corporation shall, at all times, be subject to the inspection of the governor and council, and to the Legislature when called for.

Condition of this
act.

[Time extend-
ed, 1834 ch. 11.
1835 ch. 5.]

SECT. 6. *Be it further enacted*, That, if said proprietors shall neglect, for the space of six years from the passing of this act, to build and erect said bridge, then this act is to be void, and of no effect. [*Feb. 8, 1828.*] Add. acts, 1833 ch. 78 : 1834 ch. 11 : 1835 ch. 5.

Chap. 55.

An Act to incorporate the Pawtucket Congregational Society.

Persons incor-
porated.

Powers and
privileges.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Ingraham, Dan Robinson, Ira Draper, A. A. Tillinghast, Squire French, Carlos Barrows, Otis French, James C. Starkweather, Larned Pitcher, Edward Walcutt, John Burbank, Joseph Spalding, Remember Carpenter, Elias Ingraham, William Sweet, and all other persons, who now are, or hereafter may be, associated with them, their successors and assigns, shall be, and are hereby created and established as a religious society and body corporate and politic, by the name of the Pawtucket Congregational Society ; and, by that name, may sue and be sued, plead and be impleaded, and possess and enjoy all the privileges, powers and immunities, to which parishes, and other religious societies are, by the constitution and laws of this Commonwealth, entitled ; and shall have authority to take, hold, and possess, by gift, grant, devise, or otherwise, any real or personal estate, for the purpose of supporting public worship according to the congregational order, by said society, and other religious, parochial and charitable purposes, not exceeding the an-

nual income of one thousand dollars ; and shall also have authority to choose and appoint all such officers, and make all such by-laws and regulations, as may seem to them expedient, or convenient, for the due government of said society, and the management of their funds and other parochial concerns : *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth ; and all meetings of said society shall be called and warned in such manner as the by-laws thereof shall direct.

SECT. 2. *Be it further enacted*, That the said society shall have full power to receive and hold the donation made by the late Eliphalet Starke, for the support of a congregational minister, in said Pawtucket, and to apply the income thereof conformably to the intention of said Starke, as expressed in his will : *provided*, the trustees named in said will agree thereto.

By-laws.

Proviso.

Donation of E. Starke.

[E. Slack, 1827 ch. 89.]

SECT. 3. *Be it further enacted*, That the said society shall appoint seven suitable persons, being members of said society, as trustees, who shall have the management of the funds and other property of the said society ; and all vacancies in the board of trustees, occasioned by death, resignation, secession from the society, or otherwise, shall be filled by the said society, at a meeting duly called for that purpose ; and any member or members of said society withdrawing or seceding therefrom, shall have no right or claim whatever to any part or portion of any funds belonging to said society.

Trustees.

SECT. 4. *Be it further enacted*, That it shall and may be lawful for all deeds, hereafter to be given on the sale of any interest in a meeting-house, which may be erected for the use of said society, to be recorded by the clerk of said society, in a book to be especially provided for that purpose ; and all deeds legally executed and recorded as aforesaid, shall be deemed sufficient in law, any law or usage to the contrary notwithstanding.

Deeds to be recorded by the clerk.

SECT. 5. *Be it further enacted*, That Elijah Ingraham, and Dan Robinson, or either of them, be, and they are hereby authorized to call the first meeting of said society, by notifying the time, place and objects of said meeting, in a newspaper printed in the village of Pawtucket, in Rhode Island, one week at least before the time of said meeting, at which meeting, the said society may choose its officers and organize itself.

First meeting.

SECT. 6. *Be it further enacted*, That the Legislature shall, at all times hereafter, have the right to alter, amend or repeal this act. [Feb. 8, 1828.] Add. act, 1827 ch. 89.

Legislative control.

An ACT to incorporate the President, Directors and Company of the Atlantic Bank.

Chap. 56.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Read, Thomas Searle, and John Pickens, their associates, successors and assigns, shall be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Atlantic Bank, and shall so continue, from the passage of this act, till the first Monday in October,

Persons incorporated.

Powers and duties.	which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the president, directors and company of the State Bank,” (except in so far as the same are modified or altered by this act,) as fully and effectually, as if the several sections of the said act were herein specially recited and enacted : <i>provided, however</i> , that the amount of bills, issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.
1811 ch. 81.	
Proviso.	
Capital stock.	SECT. 2. <i>And be it further enacted</i> , That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars in gold or silver, to be, besides such part as this Commonwealth may subscribe in the manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in as follows, that is to say, fifty per centum thereof on or before the first day of July next, and the residue within one year from the passing of this act. And no dividend shall be declared on the capital stock of said bank, until the capital stock shall have been paid in conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more at any one time ; with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the president, or two of the directors ; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable : <i>provided, however</i> , that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation : <i>and provided, further</i> , that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, till the capital stock subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty-five thousand dollars ; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose ; whose duty it shall be, at the expense of said corporation, to examine the monies actually existing in said vaults, and ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock has been <i>bona fide</i> paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is
Shares, and when to be paid in.	
Real estate.	
Proviso.	
Examination and return of capital stock.	

intended therein to remain as a part of said capital, and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the said capital, as herein before provided and required.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Boston. Location.

SECT. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital stock, then paid in. Loans to the Commonwealth.

SECT. 5. *Be it further enacted*, That the persons, herein before named, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, and at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary ; and for the choice of the first board of directors, and of such other officers as they shall see fit to choose : *provided*, such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth. First meeting.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established. Commonwealth may subscribe to capital stock.

SECT. 7. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right. Legislature may appoint directors.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bonds, with sureties, to the satisfaction of the board of directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office. Cashier shall give bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of July next, shall pay, by way Tax.

of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of capital stock which shall have actually been paid in.

Corporation
liable to pay
original amount
of altered notes.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation, for ordinary circulation, be printed or impressed with a stereotype plate. And said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated in this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Stock not trans-
ferable for one
year.

SECT. 11. *Be it further enacted*, That the capital stock of said bank, or any part of it, shall not be sold and transferred; but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act. And in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Legislative ex-
amination.

SECT. 12. *Be it further enacted*, That any committee specially appointed for that purpose, by the Legislature, shall have a right to examine into the doings of said corporation; and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation may thereupon be declared to be forfeited and void. [*Feb. 11, 1828.*] Add. act, 1830 ch. 58.

Chap. 57.

An ACT to incorporate the Proprietors of Williamstown Academy.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ralph W. Gridley, Daniel Noble, Lyman Hubbell, Caleb Brown, Stephen Hosford and Charles Baker, their associates and successors, shall be a corporation, by the name of the Proprietors of Williamstown Academy, in the county of Berkshire, and may have all the powers and privileges incident to a corporation.

By-laws.

SECT. 2. *Be it further enacted*, That said corporation may, from time to time, make such by-laws and regulations, as they shall deem necessary, for the management of the concerns and interests of said academy: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Real and per-
sonal estate.

SECT. 3. *Be it further enacted*, That said corporation may hold real estate, not exceeding in value ten thousand dollars, and personal estate, not exceeding the same sum.

SECT. 4. *Be it further enacted,* That any one of the persons named in this act may call the first meeting of said proprietors, by advertisement in the Williamstown newspaper, ten days previous notice being given. First meeting.]

SECT. 5. *Be it further enacted,* That this act may at any time be altered or repealed at the pleasure of the Legislature. Legislative control.
[Feb. 11, 1828.]

An Act to incorporate the Merrimack Mutual Fire Insurance Company.

Chap. 58.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Kittredge, Samuel Farrar, Nathaniel Swift, John Adams, Francis Kidder, Nathaniel Stevens, Amos Blanchard, Amos Spaulding, Hobart Clark, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Merrimack Mutual Fire Insurance Company, with powers and privileges incident to such corporations for the term of twenty-eight years. Persons incorporated.

SECT. 2. *Be it further enacted,* That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said corporation may insure, for the term of one to seven years, any buildings, goods or furniture, to any amount, not exceeding three quarters of the value of the property insured. Insurance.

SECT. 3. *Be it further enacted,* That said corporation may choose such officers, and establish such by-laws, as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy. Officers, and right of voting.

SECT. 4. *Be it further enacted,* That the funds of said corporation shall be vested in stocks, or loaned on such security as the directors may order, and shall be appropriated, first to pay the expenses of the corporation, and next to pay the damages, which any person may be entitled to recover on his policy. In case any person shall have a just claim upon the corporation, exceeding the amount of the existing funds thereof, the directors shall, without delay, assess such sum as may be necessary on the members of the corporation, in proportion to the amount of their premiums and deposits for seven years, but not to exceed treble the amount of such premiums and deposits. Funds, and the appropriation thereof.

SECT. 5. *Be it further enacted,* That whenever any person shall recover judgment against said corporation, he may levy his execution upon their estate or funds, but, if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the directors: *provided,* they first refuse or neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose, and any director, whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor. Satisfaction of judgments.

SECT. 6. *Be it further enacted,* That each policy of insurance shall, of itself, without any other ceremony, create a lien Policy of insurance shall create a lien.

on any building insured, and on the land under it, and this provision shall not prevent the taking of other collateral security.

Treasurer to demand payment, &c.

SECT. 7. *Be it further enacted*, That, in case it shall become necessary to resort to the lien, or property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and, in case of non-payment, the corporation may sustain an action for any sum due, either on the deposit note, or by assessment, and their execution may be levied on the insured premises, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice, and proceeding in the same manner, as is required in the sale of equities of redemption on execution, and the owner shall have a right to redeem the estate, by paying the costs of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Location of office.

SECT. 8. *Be it further enacted*, That the office, for the transaction of the business of said corporation, shall be located and kept in the town of Andover; that this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions; and that any member named in this act may call the first meeting, by advertising the same in the newspapers printed at Haverhill, in the county of Essex, and in Lowell, in the county of Middlesex. [Feb. 11, 1828.]

First meeting.

Chap. 59.

AN ACT to incorporate the Proprietors of the Roxbury Female School.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Eliphalet Porter, Sherman Leland, Joseph Harrington, John Lemist, Samuel J. Gardner, Charles Davis, Jonathan Dorr, David A. Simmons and William C. Hunneman, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, by the name of the Proprietors of the Roxbury Female School, and by that name shall be a corporation forever, with power to regulate and support a school for the education of females in Roxbury, to have a common seal, to sue and be sued in all actions, and prosecute and defend the same to final judgment and execution.

Powers.

SECT. 2. *Be it further enacted*, That said corporation shall have full power to elect, from time to time, such officers as it may determine to be necessary or expedient; to ordain and establish rules, orders and by-laws, not repugnant to the constitution and laws of this Commonwealth, and the same to modify and annul at pleasure, and to take and hold any real and personal estate, the annual income whereof shall not exceed three thousand dollars.

By-laws.

Real and personal estate.

First meeting.

SECT. 3. *Be it further enacted*, That Eliphalet Porter be, and he is hereby authorized and empowered to call the first meeting of said corporation, and to fix the time and place for holding the same, giving each person named in this act written notice thereof.

SECT. 4. *Be it further enacted*, That this act may at any time be altered or repealed at the pleasure of the Legislature. [Feb. 11, 1828.]

Legislative control.

An Act to incorporate the Franklin Mutual Fire Insurance Company.

Chap. 60.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Eliel Gilbert, Elijah Alvord, Sylvester Allen, Horatio G. Newcomb, Lyman Kendall, Alanson Clark, Franklin Ripley, their associates and successors, shall be a corporation, by the name of the Franklin Mutual Fire Insurance Company; and shall possess all the powers and privileges incident to such corporations; and shall so continue for the term of twenty years from the passing of this act.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said corporation shall choose a board of directors, not more than nine, nor less than five; and shall establish such by-laws as they may deem necessary: *provided*, that such by-laws shall not be repugnant to the constitution and laws of this Commonwealth. In all matters decided in any legal meeting of said corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy, legally authorized.

Directors and by-laws.

Right of voting.

SECT. 3. *Be it further enacted*, That the board of directors shall superintend the concerns of said corporation, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, not otherwise provided for. They shall have power, from time to time, to appoint a secretary, treasurer, surveyor or surveyors, and such other officers, agents and assistants, as to them may seem necessary, and to prescribe their duties, fix their compensation, take such security from them as they shall judge proper for the faithful performance of their respective duties, and remove them at pleasure. They shall determine the rates of assurance, and the sum to be assured on any building or other property to be insured, not exceeding three fourths of its value. They shall order and direct the making and issuing of all policies of insurance, and providing of books, stationary, and other things needful for the office of said corporation, and for carrying on the affairs thereof, and may draw on the treasurer thereof for the payment of all losses incurred in transacting the concerns of said corporation. They shall elect one of their number to act as president, and may hold their meetings as often as necessary, and shall keep a record of their proceedings, and a majority of the whole number of directors shall constitute a quorum for the transaction of business.

Duties of directors.

SECT. 4. *Be it further enacted*, That, when the sum subscribed to be insured shall amount to fifty thousand dollars, said corporation may insure, for the term of one to seven years, any building, goods or furniture, to any amount, not exceeding three fourths of the value of the property insured; and in case any member shall sustain damage over and above the then existing funds of the corporation, the directors may assess such further

Insurance of buildings, &c.

Proviso.

sum or sums, upon each member, as may be in proportion to the sum by him insured, and the rate of hazard originally agreed on: *provided*, that no member, during the term of seven years, shall be held to pay, by way of assessments, more than two dollars for each dollar by him advanced as premium and deposit.

Investment and appropriation of funds.

SECT. 5. *Be it further enacted*, That the monies, advanced by each person insured, shall, within sixty days after such advancement, be vested in the stock of some incorporated bank, stocks of the United States, or notes and bonds secured by mortgages, or other security, at the discretion of the president and directors, and the proceeds of the same shall be appropriated and applied to pay the damages or loss, that any member may sustain by fire, and to defray the expenses of the corporation; and each of the insured shall, at the expiration of his policy or policies, have a right to demand and receive from the corporation his share of the remaining funds, in proportion to the sum or sums by him actually paid.

Satisfaction of judgments and executions.

SECT. 6. *Be it further enacted*, That when any member of the said corporation, so insured, shall sustain any loss for which the same corporation shall be held to indemnify him, and he shall recover judgment therefor against it, he shall have a right to levy his execution, issued on such judgment, on any of the funds of the said corporation; and when he shall not find sufficient funds of said corporation, to satisfy the same, and all costs thereon, within ninety days after demand made for that purpose on the treasurer, or any director of said corporation, and when the directors shall neglect or refuse, for and during the ninety days aforesaid, to make an assessment agreeable to the principles herein expressed, and deliver the same to the treasurer of said corporation, and direct him to collect the same, in such manner as the said corporation may point out, to satisfy such execution as far as the said funds and assessments may extend, then, and in that case, it shall be lawful for such judgment creditor to levy or extend his said execution on the private property of any of the said directors, to the amount of the damages and costs, he shall be entitled to receive and recover on said execution; and any director, whose estate, real or personal, shall be so taken, may recover compensation therefor by an action on the case against the said corporation.

Private property of directors liable.

Persons sustaining loss shall give notice thereof.

SECT. 7. *Be it further enacted*, That whenever any person shall sustain any loss of property by fire, so insured, he shall, within sixty days next after, give notice of the same to such of the directors as shall be agreed upon by the said corporation for that purpose, whose duty it shall be to view, either in person, or by some agent or agents by them appointed for that purpose, when [where] the fire happened, and inquire into the circumstances attending the same, and determine, in writing, under their hands, the amount (if any) of the said corporation's liability for such loss; and if the sufferer shall not acquiesce in their determination, he or she, within thirty days next after such determination shall be made known by said directors, may bring an action at law

against said corporation, for such loss, before any court of competent jurisdiction, within the county of Franklin; and in case the sufferer shall not, by verdict of a jury, recover more than the damage determined on by the directors as aforesaid, the plaintiff in such action shall have judgment on the verdict, but the corporation shall recover their costs, and execution shall issue for the balance in favour of the party entitled to recover it.

SECT. 8. *Be it further enacted*, That so soon as the amount of the corporation's liability shall be ascertained in either of the ways mentioned in this act (and the funds at hand not being sufficient) the said directors shall make an assessment upon the members of said corporation, agreeably to the principles of this act, and deliver the same to the treasurer of the said corporation to collect.

Directors to make assessments, &c.

SECT. 9. *Be it further enacted*, That each policy of insurance shall of itself, without any other ceremony, create a lien on any building insured, and on the land under it; and this provision shall not prevent the taking of any other collateral security.

Policy shall be a lien on estate.

SECT. 10. *Be it further enacted*, That in case it should become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and in case of non payment, the corporation may sustain an action for any sum due, either on the deposit note, or by assessment; and their execution may be levied on the insured premises; and the officer making the levy may sell the whole, or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sales of equities of redemption on execution; and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Treasurer shall demand payment, &c.

SECT. 11. *Be it further enacted*, That any one of the persons herein named, are hereby authorized to call a meeting of the members of said corporation, at such time and place as he shall think fit, by advertising the same in a newspaper printed at Greenfield, fourteen days previous to said meeting.

First meeting.

SECT. 12. *Be it further enacted*, That the Franklin Mutual Fire Insurance Company, shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 11, 1828.]

Liability to taxation.

An ACT to incorporate the Proprietors of Sherburne Academy.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Shearjashub Bourne Townsend, Calvin Sanger, Daniel Paul, John Perry, their associates and successors, shall be a corporation by the name of the Proprietors of Sherburne Academy, and by that name may sue and be sued, implead and be impleaded, have a common seal; and at any legal meeting, establish rules, orders, and by-laws, for the well or-

Chap. 61.

Persons incorporated.

General powers.

dering and governing the affairs of said corporation : *provided*, the same are not repugnant to the laws of this Commonwealth ; and may annex penalties for the breach of any such rules, orders, or by-laws : *provided*, the same shall not exceed five dollars ; and said corporation are hereby vested with all the powers necessary to carry into effect the purposes of this act.

Real and personal estate.

Shares.

Right of voting.

First meeting.

Legislative control.

SECT. 2. *Be it further enacted*, That said corporation may hold and possess any real or personal estate, the annual income of which, shall not exceed three thousand dollars ; and the property of said corporation shall be divided into such a number of shares, as the corporation shall determine ; and each proprietor shall have a certificate of his share signed by the treasurer and secretary ; and no transfer of any share shall be legal, until the same shall have been recorded by the clerk in a book kept for that purpose ; each share shall entitle the proprietor thereof to one vote : *provided*, however, that no proprietor shall be entitled to more than three votes.

SECT. 3. *Be it further enacted*, That either of the persons named in this act, may call the first meeting of said proprietors, by giving notice of the time and place of meeting, by posting up a notification thereof in some public place in said town of Sherburne, at least fourteen days before said meeting.

SECT. 4. *Be it further enacted*, That the Legislature may at any time hereafter alter or repeal this act. [Feb. 11, 1828.]

Chap. 62.

An ACT to incorporate the President, Directors and Company of the Merchants Bank.

Persons incorporated.

Powers and duties.

1811 ch. 84.

Proviso.

Capital stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George Hallet, Lemuel Pope, John F. Loring, Thomas B. Wales, Seth Knowles, William W. Stone, Eben. Appleton, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Merchants Bank, and shall so continue until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled “an act to incorporate the President, Directors and Company of the State Bank,” except in so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of said act, were herein specially recited and enacted : *provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum on the amount of the capital stock actually paid in.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as the Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall

be paid in manner following : that is to say, fifty per centum thereof on or before the first day of July next, and the residue in such times, and in such proportions, as the directors hereafter to be chosen shall determine : *provided*, that the whole amount shall be paid in within one year from the passing of this act ; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of the said capital stock, as herein before provided ; and no dividend shall be declared on the capital stock of said bank, until the same sum of five hundred thousand dollars shall be paid in, in manner aforesaid ; and the stockholders shall, at their first meeting, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors, and assigns, lands, tenements, and hereditaments, to the amount of one hundred thousand dollars and no more, at any one time, with the power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the president or two directors, and to loan and negotiate their monies and effects by discounting, on banking principles, on such security as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of, any debt due to the said corporation : *and provided, further*, that no money shall be loaned, or discount made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to two hundred and fifty thousand dollars ; nor until said capital stock actually in said vaults, shall have been inspected and examined by three commissioners to be appointed by the governor, for that purpose, whose duty it shall be, at the expense of said corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or the majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor.

Shares, and the payment thereof.

[Time extended 1828 ch. 21.]

Real estate.

Examination and return of capital stock.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the city of Boston, and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the bank aforesaid.

Bank to be kept in Boston.

SECT. 4. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a

First meeting.

meeting of the members and stockholders of said corporation, as soon as may be, at such time and place, as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers, as they shall see fit to choose.

By-laws, &c. **SECT. 5.** *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum which may be required, not exceeding ten per centum of the capital stock actually paid in at one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate, not exceeding five per centum per annum : *provided, however,* that the Commonwealth shall never stand indebted to said corporation without their consent, for a larger sum than twenty per centum of their capital then paid in.

Loans to the Commonwealth. **SECT. 6.** *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum, not exceeding fifty per centum of the capital stock, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall be by the Legislature made and established.

Commonwealth may subscribe to capital stock. **SECT. 7.** *Be it further enacted,* That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors, to said bank, in proportion as the sum paid from the treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Legislature may appoint directors. **SECT. 8.** *Be it further enacted,* That the cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the board of directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier to give bond. **SECT. 9.** *Be it further enacted,* That the said corporation, from and after the first day of July next, shall pay, by way of tax, to the treasury of this Commonwealth, for the use of the same, within ten days after the first Monday in October and April annually, the half of one per centum on the amount of stock, which shall have actually been paid in.

Tax. **SECT. 10.** *Be it further enacted,* That the said corporation shall be liable to pay, to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alterations, and shall also be holden to pay, to any *bona*

Corporation liable to pay original amount of altered notes.

fide holder, the amount of any note counterfeited, unless all the notes actually issued by said corporation, shall be printed, or impressed with the stereotype plate ; and said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

SECT. 11. *Be it further enacted*, That if the bank hereby created, be not put into operation, within one year from the date of this act, the same shall be void ; and no part of the capital stock of said bank shall be sold or transferred, until the whole amount thereof shall have been paid in. [Feb. 11, 1828.] Add. act, 1828 ch. 21.

Condition of this act.

An Act to incorporate the Trustees of Lancaster Academy.

Chap. 63.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Solomon Strong, Nathaniel Thayer, Ira H. T. Blanchard, Joseph G. Kendall, Joseph Willard, George Baker, Horatio Carter, Davis Whitman, Peter Osgood, Calvin Lincoln, and Solon Whiting, be, and they hereby are, incorporated into a body politic, by the name of the Trustees of Lancaster Academy ; and they and their successors shall be and continue a body politic, by that name forever.

Persons incorporated.

SECT. 2. *Be it further enacted*, That all lands, monies, or other property, heretofore given or subscribed, for the purpose of erecting and establishing an academy in the town of Lancaster, in the county of Worcester, or which shall hereafter be given, granted or assigned to the said trustees, shall be confirmed to the said trustees, and their successors in that trust, forever, for the uses which in such instruments shall be expressed ; and the said trustees shall be capable of having, holding, and taking, in fee simple, by gift, grant, devise or otherwise, any lands, tenements or other estate, real or personal : *provided*, the annual income of the same shall not exceed the sum of three thousand dollars ; and shall apply the interest, rents and profits thereof, so as most effectually to promote the design of the institution.

Real and personal estate.

SECT. 3. *Be it further enacted*, That the said trustees, for the time being, shall be the visitors and governors of said institution, shall have full power, from time to time, to elect such officers thereof as they shall judge necessary and convenient, and fix the tenure of their respective offices ; to remove from office any trustee, when he shall become incapable, from age or otherwise, of discharging the duties of his office ; to fill all vacancies that may happen in the board of trustees, by electing suitable persons therefor ; to determine the times and places for holding their meetings, the manner of notifying the trustees, the method of electing and removing members of the board ; to ascertain the powers and duties of their several officers ; to elect instructors and instructresses, and prescribe their duties ; to make and or-

Duties of the trustees.

- dain reasonable rules, orders and by-laws, with reasonable penalties, for the government of the institution : *provided*, the same be not repugnant to the constitution and laws of the Commonwealth.
- General powers. SECT. 4. *Be it further enacted*, That the trustees of said academy may have a common seal, which they may change at pleasure ; and all deeds, sealed with said seal, and delivered and acknowledged by the secretary of said trustees, by their order, shall be good and valid in law ; and said trustees may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Lancaster Academy.
- Number of trustees. SECT. 5. *Be it further enacted*, That the number of said trustees shall never exceed eleven, nor [*be*] less than seven, five of whom shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time ; and a majority of those present shall always decide all questions that may properly come before the same trustees, except that a majority of all the trustees shall be necessary to remove any member from the board.
- First meeting. SECT. 6. *Be it further enacted*, That the Honorable Solomon Strong be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the trustees, and to give them notice thereof.
- Legislative control. SECT. 7. *Be it further enacted*, That this act may be altered or repealed by the Legislature at any time hereafter. [*Feb. 11, 1828.*]

Chap. 64.

An ACT to incorporate the Proprietors of Milford Academy.

- Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Godfrey, John Claffin, Jun., Nathan Wood, their associates, successors and assigns, be, and they hereby are incorporated, by the name of the Proprietors of Milford Academy, in the town of Milford, in the county of Worcester, with power to have a common seal, to sue and be sued, to make by-laws and regulations for the government of their own affairs, not repugnant to the constitution and laws of this Commonwealth, and to appoint such officers for the regulation of their concerns as they may deem expedient, with power to hold real estate, not exceeding in value four thousand dollars, and personal estate not exceeding in value five thousand dollars.
- Powers. SECT. 2. *Be it further enacted*, That the property of said corporation shall be divided into shares of fifty dollars each, and each share shall entitle the proprietor thereof to one vote : *provided*, no one member of said corporation shall give more than six votes.
- Real and personal estate. SECT. 3. *Be it further enacted*, That any two of the persons herein named may call the first meeting of said corporation, by notice printed in one of the newspapers published in Worcester, ten days, at least, before the time appointed for such meeting.
- Shares.
- Votes.
- First meeting.

SECT. 4. *Be it further enacted*, That this act shall be subject to revision or repeal at the will of the Legislature. [Feb. 11, 1825.]

Legislative control.

An ACT to incorporate the State Insurance Company.

Chap. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel King, Thomas Perkins, Thomas Deunie, Samuel D. Parker, and Daniel Parkman, with their associates, successors, and assigns, be, and they are hereby incorporated into a body politic, by the name of the State Insurance Company, for and during the term of twenty years from and after the passing of this act, with all the privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled “an act to define the powers, duties and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled “an act authorizing the several insurance companies in this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said company: *provided*, they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Persons incorporated.

Powers and duties.

1817 ch. 120.

1819 ch. 141.

Real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in, in money, within sixty days after the first meeting of the said company, and the residue in such installments, and under such penalties, as the president and directors shall in their discretion direct and appoint, within one year from the passing of this act.

Capital stock, shares, and the payment thereof.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the time of their election, be stockholders and citizens of this Commonwealth, and shall be elected on the second Monday in January, in each and every year, at such time of the day, and in such place in the city of Boston, as a majority of the directors for the time being shall appoint; of which election public notice shall be given in two of the newspapers printed in the city of Boston, and continued for the space of ten days immediately preceding such election; and the election shall be made, by ballot, by a majority of the votes

Choice of directors.

Right of voting. of the stockholders present, allowing one vote for each share in the capital stock : *provided*, that no stockholder shall be allowed more than thirty votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe ; and if, from any cause, the said directors should not be chosen on the second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Election of president, &c.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose, out of their body, one person to be president, who shall be sworn faithfully to discharge the duties of his office and who shall preside for one year ; and, in case of the death, resignation or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections of directors.

Board of directors.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five directors in the absence of the president, shall be a board competent for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance, and also shall have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet : *provided*, such by-laws and regulations shall not be repugnant to the constitution or laws of this Commonwealth.

By-laws.

Proviso.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more persons named in this act of incorporation are hereby authorized to call a meeting of the said company as soon as may be in Boston, by advertising the same, for two successive weeks, in two of the newspapers printed in Boston, for the purpose of electing a first board of directors, who shall continue in office until the second Monday of January, in the year of our Lord, then next ensuing.

Liability to taxation.

SECT. 7. *Be it further enacted*, That the said State Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

SECT. 8. *Be it further enacted*, That said company shall not take any risk, nor subscribe any policy, until one moiety of the capital stock shall actually have been paid in. [Feb. 11, 1828.]

An ACT ceding to the United States jurisdiction over a Tract of Land purchased by them in Chelsea, for the erection of a Naval Hospital thereon. *Chap. 66.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and hereby is granted to the United States, to purchase and hold a tract of land situate in Chelsea, in the county of Suffolk, for a Naval Hospital, within the following limits, viz : beginning at a point at low water mark on the north side of the northern channel of Mistic River, where it touches Chelsea Bridge, thence northeasterly along the western side of said bridge to high water mark, thence northeasterly along the north side of Salem Turnpike road fifteen rods, to the land of Abel Gardner, from thence northerly by the land of said Gardner, eight rods and three links, from thence northeasterly partly by the land of said Gardner, partly by the land of the proprietors of Salem Turnpike, and partly by the land of Samuel Chittenden, fifteen rods and six links, from thence southerly by the land of said Chittenden to the Salem Turnpike, from thence by the Salem Turnpike to the land of Thomas Williams, from thence northerly by the land of said Williams to Island End River, from thence by a line due west to Mill River, from thence southwesterly along the low water line of said river to its junction with Mistic River, thence southeasterly along the northern low water line of the north channel of Mistic River to the place of beginning ; containing seventy-four acres of land, be the same more or less. A plan or map of said described premises is required to be deposited in the office of the secretary of state of this Commonwealth : *provided*, that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction with the United States in and over said land, so far that all civil and criminal process issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which now is, or may be hereafter erected thereon, in the same way and manner as if this consent had not been granted : *provided also*, that the provisions of this act shall not go into effect until the building for said Naval Hospital be erected on said described premises. [*Feb. 20, 1828.*]

Jurisdiction
over land in
Chelsea ceded
to U. S.

Proviso.

An ACT to incorporate the First Methodist Episcopal Society in the town of Saugus. *Chap. 67.*

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Shaw, Jonathan Makepeace, Benjamin F. Newhall, John T. Burrill, Jonathan Newhall, Charles Sweetser, Benjamin B. Hutchings, Joseph G. Goldthwait, George Makepeace, Jacob Newhall, Junior, and their associates, be, and they are hereby incorporated into a religious society, by the name of the First Methodist Episcopal Society in the town of Saugus, with all the powers, privileges and immunities to which parishes are entitled by the constitution and laws of this Commonwealth ; and may purchase, receive by gift, or otherwise, and hold, real or personal estate, the annual income of which shall not exceed

Persons incor-
porated.

Powers and pri-
vileges.

Real or person-
al estate.

the sum of one thousand dollars, for the purpose of supporting public worship therein ; and may also ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient for the government of their society, and the management of their parochial and ministerial funds : *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

Donations to be under the direction of trustees.

SECT. 2. *Be it further enacted*, That all gifts, grants or monies received by said society, shall be under the direction of seven trustees, to be appointed agreeably to the usages of the Methodist Episcopal Church.

Power of trustees.

SECT. 3. *Be it further enacted*, That said trustees be, and they are hereby vested with, and shall have full power to receive all monies, subscriptions, donations and securities for real or personal estate, that may hereafter be given, raised or subscribed, for the use of said society ; and said trustees are hereby empowered, by purchase or operation of law, to take, have, hold, use, improve and manage any estate, real or personal, the annual income whereof shall not exceed the sum of one thousand dollars, in trust, for the support and maintenance of the gospel ministry, and other expenses of said society ; and all deeds of pews in the meeting-house of said society, being duly executed and recorded by the clerk of said society, in a book kept by him for that purpose, shall be good and valid in law.

Deeds of pews.

First meeting.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Essex be, and he hereby is empowered, on application therefor, to issue his warrant to some member of said Methodist Episcopal Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose, at their annual meetings, and to transact such other parochial business as may be authorized by said warrant.

Legislative control.

SECT. 5. *Be it further enacted*, That this act may at any time be altered, amended or repealed, at the pleasure of the Legislature. [*Feb. 20, 1828.*]

Chap. 68.

Sept. 18, 1752.

Name altered.

AN ACT to alter the name of the town of South Brimfield, in the county of Hampden.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the town of South Brimfield, in the county of Hampden, be, and the same hereby is altered to the name of Wales ; and that said town shall henceforth be known and called by the said last mentioned name, any thing in the act whereby the said town was incorporated to the contrary notwithstanding. [*Feb. 20, 1828.*]

Chap. 69.

AN ACT to incorporate the Lynn Mutual Fire Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Gardner, Jonathan Bacheller, Winthrop Newhall, Isaiah Breed, Robert W. Trevett, Benjamin Massey,

William B. Breed, John Lovejoy, Daniel Silsbee, Stephen Smith, Junior, Henry A. Breed, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Lynn Mutual Fire Insurance Company, with powers and privileges incident to such corporations, for the term of twenty-eight years.

Powers and privileges.

SECT. 2. *Be it further enacted*, That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said corporation may insure, for the term of from one to seven years, any buildings, goods or furniture in the towns of Lynn, Saugus and Lynnfield, in the county of Essex, to any amount not exceeding three quarters of the value of the property insured.

Insurance of buildings, &c.

SECT. 3. *Be it further enacted*, That said corporation shall choose a board of directors, not more than nine, nor less than five; and shall establish such by-laws as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy.

Directors, by-laws, and right of voting.

SECT. 4. *Be it further enacted*, That the funds of said corporation shall be vested in stocks, or loaned on such security as the directors may order; and shall be appropriated, first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation, exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed double the amount of such premiums and deposits.

Investment and appropriation of funds.

Assessments.

SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds; but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the directors, provided they first refuse, or neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose; and any director whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor.

Satisfaction of judgments and executions.

SECT. 6. *Be it further enacted*, That each policy of insurance shall, of itself, without any other ceremony, create a lien on any buildings insured, and on the land under the same; and this provision shall not prevent the taking of other collateral security.

Policy shall be a lien on estate.

SECT. 7. *Be it further enacted*, That in case it should become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and in case of non-payment, the corporation may sustain an action for the sum due, either on the deposit note, or by assessment; and

Treasurer shall demand payment, &c.

their execution may be levied on the insured premises, and the officer making the levy may sell the whole, or any part of the estate at auction, giving notice, and proceeding in the same manner, as is required in the sale of equities of redemption on execution ; and the owner shall have a right to redeem the estate, by paying the costs of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from said sale.

First meeting. SECT. 8. *Be it further enacted*, That this corporation shall be liable to be taxed, by any general law of this Commonwealth taxing other similar institutions ; and either of the persons named in this act may call the first meeting, by advertising the same in any newspaper printed in the county of Essex. [Feb. 20, 1828.]

Chap. 70. An Act altering the dividing line between the towns of Dartmouth and Westport.

Description of boundary. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the dividing line between the said towns of Dartmouth and Westport, shall be as follows, viz : commencing at the sea shore at the southeast corner of Tillinghast Almy's homestead farm, thence northerly, following the centre of the road as now travelled, to a point opposite where William Petty's house formerly stood, thence north thirty degrees west, three hundred and forty rods, to Bread and Cheese Brook road, so called ; thence north one hundred and ninety rods, to the line which divides the said town of Westport from the town of Troy ; and that the line as above described shall hereafter be the dividing line between the said towns of Dartmouth and Westport, any thing in the act incorporating the said town of Westport to the contrary notwithstanding : provided, nevertheless, that nothing in this act contained shall impair or affect any contract or agreement entered into by and between said towns of Dartmouth and Westport, or their agents, relative to the construction or maintenance of said road or highway : and provided also, that if a road should be located from the said point opposite said Petty's house, northerly on the line between said towns to Troy line, the same shall be made and maintained by each of said towns in the proportion that each paid in the last state tax. [Feb. 20, 1828.]

Chap. 71. An Act to incorporate the Provident Institution for Savings, in the towns of Salisbury and Amesbury.

Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jacob Brown, Joseph Flanders, Thomas Boardman, James Horton, Joseph Wadleigh, Daniel Blodell and Nathan Crosby, of Salisbury, and Ephraim Morrill, Robert Patten, Thomas Bailey, Joshua Auben, Enoch Winkley, Robert Cross, John Wadleigh, Joseph Mann and James Homer, of Amesbury, be, and they hereby are incorporated into a society, by the name, style and title of the Provident Institution for Savings, in the towns of Salisbury and Amesbury ; and that they and such others as shall be duly elected members of the said

corporation, as in this act provided, shall be and remain a body politic and corporate, by the same name, style and title, during the pleasure of the Legislature.

SECT. 2. *Be it further enacted*, That the said society and corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions, herein made and provided. Deposits.

SECT. 3. *Be it further enacted*, That all deposits of money received by the said society, shall be, by the said society, used and improved to the best advantage, and the income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors or administrators, in just proportions, with such reasonable deductions for actual expenses in managing the same, and the principal of such deposits may be withdrawn, at such times and in such manner, as the said society shall direct and appoint. Depositors to receive the profits.

SECT. 4. *Be it further enacted*, That the said society and corporation shall, at their first meeting, and at their annual meeting in March of each year, have power to elect by ballot any other person or persons as members of the said society ; and any one member, upon filing a written notice with the president of said society three months prior, may, upon any annual meeting of said society, withdraw, and forever dissolve his connexion with the same. Election of members and dissolution of membership.

SECT. 5. *Be it further enacted*, That the said society may have a common seal, which they may change and renew at pleasure, and that all deeds, conveyances and grants, covenants and agreements, made by their treasurer, or any person by their authority and direction, shall be good and valid ; and the said corporation shall at all times have power to sue, and may be sued, and may defend and shall be held to answer by the name, style and title aforesaid. General powers.

SECT. 6. *Be it further enacted*, That the said society shall hereafter meet near the Mills in Salisbury or Amesbury, sometime in the month of March annually, and at such other times as the society, or the president thereof, may direct ; and any thirteen members thereof, (the president, vice-president, treasurer or secretary being one,) shall be a quorum ; and the said society, at their first meeting, and at their meeting in March annually, shall have power to elect a president, and all such other officers as to them shall appear necessary ; which officers, so chosen, shall continue in office one year, and until others are chosen in their room ; and all officers so chosen shall be under oath to the faithful performance of the duties of their offices respectively. Place of meeting.

SECT. 7. *Be it further enacted*, That the said society hereby are vested with the power of making by-laws for the more orderly managing the business of the corporation, provided the same are not repugnant to the constitution or laws of this Commonwealth. Annual meeting.

First meeting.

SECT. 8. *Be it further enacted*, That any one of the persons named in this act, is hereby empowered, by giving personal notice, to each of the persons named in this act, to call and notify the first meeting of the said society, at such time and place as he may judge proper.

Legislative examination and control.

SECT. 9. *Be it further enacted*, That the officers and agents of the said institution shall lay a statement of the affairs thereof before any persons, appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them concerning the same under oath, and the Legislature may, at any time, make such further regulations for the government of said institution, as they may deem expedient, and may alter and amend, or repeal this act at pleasure. [*Feb.* 20, 1828.]

Chap. 73.

1822 ch. 29.

An ACT in addition to an Act entitled, "An Act to regulate the burning of Coal Pits in the towns of Plymouth, Kingston, Carver and Wareham, in the county of Plymouth, and Sandwich, in the county of Barnstable."

Fires in woodlands prohibited.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no person shall hereafter put, keep, maintain, or permit to be put, kept or maintained, any fire to, or in any coal pit, or to any pile or parcel of wood, in any of the woodlands in the towns of Plymouth, Kingston, Carver or Wareham aforesaid, or either of them, for the purpose of charring the same, or put, keep or maintain, or permit to be put, kept or maintained, any fire in any cabin, hut or building, in any of the woodlands aforesaid, for the use or accommodation of any person or persons at work, or employed in, or on any of said woodlands, between the first day of April and the fifteenth day of September annually.

Penalty.

SECT. 2. *Be it further enacted*, That if any person or persons, their agent or agents, shall put, keep or maintain any fire, in any coal pits, or pile, or parcel of wood, in any of the woodlands in either of the towns of Plymouth, Kingston, Carver or Wareham aforesaid, or put, keep, maintain, or permit to be put, kept or maintained, any fire, in any cabin, hut or building, in any of the woodlands aforesaid, for the use or accommodation of any person or persons at work, or employed in or on any of said woodlands, between the first day of April and the fifteenth day of September annually, such person or persons so offending shall, for each and every offence, forfeit and pay the sum of one hundred dollars, to be recovered in the same manner, and to the same use, as are provided in the fourth section of the act to which this is in addition. [*Feb.* 23, 1828.]

Chap. 75.

An ACT to incorporate the Gloucester Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William W. Parrot, Israel Trask, Elias Davison, William Pearce, Winthrop Sargent, William Pearce, Jr., B. K. Heough, William Ferson, Charles L. Roberts, Samuel

Pearce, George W. Pearce, William Stevens and Obadiah Woodbury, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Gloucester Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided, however*, the said real estate shall not exceed the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Powers and duties.

1817 ch. 120.

1819 ch. 141.

Real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in, in money, within ninety days after the first meeting of said company, and the residue thereof, in such instalments, and under such penalties, as the president and directors shall, in their discretion, direct and appoint.

Capital stock, &c.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by seven directors, one of whom shall be president thereof, who shall hold their offices for one year, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the first Monday of January annually, at such time of the day, and in such place, in the town of Gloucester, as the directors for the time being shall direct, of which election public notice shall be given in one or more newspapers printed in the county of Essex, ten days, at least, previous to the meeting; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *provided*, that no stockholder shall be allowed more than ten votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, by any accident, the directors should not be chosen on the said first Monday of January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, at any time, upon application in writing of the proprietors of twenty per

Directors, how chosen, &c.

Right of voting.

Secretary to call meetings, on application.

centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in Gloucester, as they shall direct, for the purposes mentioned in such application, by giving the like notice thereof as is herein required for the choice of directors.

Election of president.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose, out of their body, one person to be president, who shall be sworn or affirmed to the faithful performance of the duties of his office, and who shall preside for one year; and in case of death, resignation, or inability to serve, of the president, or any of the directors, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the manner as is herein before provided for, respecting annual elections of directors.

Board of directors.

SECT. 5. *Be it further enacted*, That the president and three of the directors, or four of them in his absence, shall be a board competent to the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the conduct and duties of the several officers, clerks, and servants employed, and the election of the directors, and all such matters as appertain to the business of insurance; also shall have power to appoint a secretary, and so many clerks for carrying on the said business, and with such salaries and allowances to them, and to their president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

By-laws

First meeting.

SECT. 6. *Be it further enacted*, That any five of the persons named in this act, are hereby authorized to call the first meeting of said company, by advertising the same in one or more newspapers printed in the county of Essex, in two successive papers, for the purpose of electing their first board of directors, who shall remain in office until the first Monday in January next, and until others shall be elected in their stead: *and provided*, also, that said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital of said company shall have actually been paid in.

Location, and liability to taxation.

SECT. 7. *Be it further enacted*, That said company shall be located and kept in the town of Gloucester, and shall be liable to be taxed by a general law providing for the taxation of all similar corporations. [*Feb. 23, 1828.*]

Chap. 76.

AN ACT to incorporate the Lane's Cove Pier Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Lane, Winthrop Sargent, Joshua

Tucker, Epes Young, Winthrop Sargent, Jr., Ignatius Sargent, William Langsford, Andrew H. Langsford, Theodore Roberts, Joseph Carter, Michael Walen, William Young, Epes Lane, and William Hodgkins, their associates and successors, be, and they hereby are, made a corporation and body politic, during the pleasure of the Legislature of this Commonwealth, by the name and style of the Lane's Cove Pier Company, with all the powers, privileges, and immunities, incident to a corporation aggregate; and said corporation is hereby made capable in law, of having, holding, purchasing, and taking, in fee simple, or in any less estate, by gift, grant, devise, or otherwise, any lands, tenements, hereditaments, or other estate, real, personal, or mixed, necessary for making, upholding, and maintaining a pier or piers, to be built of stone, and erected on the northeast, and if necessary, on the southwest side of said cove: *provided, nevertheless*, that the amount thereof shall not exceed the sum of one hundred thousand dollars.

Estate, real or personal.

SECT. 2. *Be it further enacted*, That said corporation shall have a common seal, and change it as they see cause, and shall be capable in law to prosecute and defend to final judgment and execution, any action, or other process, before any court, tribunal, or magistrate whatever; and to do and perform all such other acts, matters and things, as an aggregate corporation may, or of right can do. And they shall have power to make and establish such by-laws and regulations as they may find necessary or useful for the well ordering and governing their officers, agents, servants, estates, rights, property and interests. And they shall have power to appoint a president, treasurer, secretary, and such other officers, agents, and servants, as they may find necessary and convenient for them; and to invest them with such powers, and subject them to such duties, as may be provided in and by the by-laws and regulations aforesaid: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

General powers.

SECT. 3. *Be it further enacted*, That said corporation shall have power to dig for stone, gravel, or other materials necessary for the making, completing, and repairing said pier or piers, and for making a way from said pier or piers to the highway, by and with the consent of the owners of the land from which such stones, gravel, and other materials may be taken, or over which such way is proposed to be made.

May dig stone, and make way.

SECT. 4. *Be it further enacted*, That said corporation shall have power to explore, mark, and lay out, one or more parcels of flats, shores or uplands, with a privilege to extend not more than twenty rods from low tide mark into the sea, nor more than one hundred rods above high tide mark, in any direction most convenient for them, for the purpose of making and completing said pier or piers, and forming a basin within the same; that any person sustaining any damage by the building and making of said pier or piers, or other erections, may apply, if within two years from the time when any such damage

May lay out flats, &c.

Remedy for damages sustained.

may have happened, to the court of common pleas, holden within and for the county of Essex, for a committee to be appointed to estimate the damage, unless the parties shall agree to settle the same by arbitration, or otherwise. And upon such application, the court, after thirty days notice to said corporation, to appear and shew cause why such committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three or five disinterested freeholders within the said county, which committee, being first duly sworn before some justice of the peace, appointed by said court, and giving due notice to both parties, to appear, if they see fit, and be heard before them, shall proceed to the duties of their appointment, and they shall enquire whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same. And they shall also take into consideration, and set off against such damage, any benefits and advantages which may result to the party complainant in consequence of the said pier or piers, or other erections; and if the said benefits shall be found to exceed, or to equal the said damages, then the said committee shall make their report, that the complainant take nothing by his complaint, and they, or the major part of them, shall make return of their doings as soon as may be, into the said court, and upon the acceptance of said report, judgment may be rendered for the prevailing party, with reasonable costs. And if, upon notice to said corporation as aforesaid, to show cause why such committee should not be appointed, said corporation shall appear, and deny the title to the lands damaged, or shall claim a right to do the acts complained of, without the payment of damages, or for an agreed composition, the said court shall first order a trial of the issue at the bar of said court, and if there is an issue in law, shall try it themselves. And in either case either party may appeal to the supreme judicial court, as in other cases; and a certificate of the determination of the supreme judicial court on such appeal, in favor of the original applicant, shall be filed in said court of common pleas, before such committee shall be appointed.

Penalty for
malicious injury.

SECT. 5. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, or contrary to law, take up, remove, break down, or dig under, or otherwise injure any part of said pier or piers, or any work or works connected with, or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to said corporation, treble such damages as said corporation shall to the justice or court and jury, before whom the trial shall be, make appear that they have sustained by means of the said trespass, to be sued for and recovered with costs, in any court proper to try the same; and such offender or offenders, shall further be liable to indictment for such trespass or trespasses, and on conviction thereof, shall be sentenced to pay a fine, to the use of the Commonwealth, of not less than ten dollars, nor more than one hundred dollars.

SECT. 6. *Be it further enacted*, That the stock or pro- Shares.
 perty of said corporation shall be divided into three hundred
 shares, certificates of which shall issue under the seal of said
 corporation, and be signed by the president and treasurer there-
 of; and the said shares shall be taken and deemed to be per-
 sonal estate, and may be transferred by endorsement, and such
 transfer shall be recorded by the secretary of said corpora-
 tion; and said corporation may make assessments on the shares,
 for the purpose of effecting the objects of the corporation :
provided, however, that the whole amount of assessments on Proviso.
 each share, after deducting the amount of all dividends previ-
 ously declared thereon, shall not exceed the sum of fifty dol-
 lars. And in case the amounts so assessed on each share, will
 not supply the necessary funds, the corporation may raise the
 funds required, by selling any shares not subscribed for, or by
 creating any necessary number of shares over and above the said
 three hundred; and if the proprietor of any share or shares,
 shall refuse or neglect to pay any assessments, [assessment] for
 the term of sixty days after the same hath become due, the
 share or shares on which there is a delinquency, may be sold at
 public auction, notice of the time and place being given by the
 treasurer of said corporation in the Gloucester Telegraph print-
 ed in Gloucester, or any newspaper printed in the county of
 Essex, three weeks, at least, before the time appointed for such
 sale, and also by posting up notifications within the town of Glouces-
 ter, ten days, at least, before such sale; and the proceeds of
 such sale shall be applied to the payments due on the share or
 shares, so sold, with incidental charges, and the surplus, if any,
 shall be paid to the former owner, or his legal representative,
 on demand, and such sale shall give good and complete title to
 the purchaser or purchasers of such share or shares, who shall
 receive a new certificate thereof: *provided, however*, that if be-
 fore the actual sale of any such delinquent share or shares, the
 proprietor thereof pay the assessments due thereon, with inter-
 est from the time they became due, and all necessary and rea-
 sonable charges, the sale shall not proceed. Shares of de-
 linquents may
 be sold.

SECT. 7. *Be it further enacted*, That the said corporation
 shall be entitled to ask and receive for their sole use and benefit,
 from all vessels, boats, rafts, or other articles coming within said
 basin, such dockage, and such wharfage on all goods, wares and
 merchandize, or other articles, as shall be landed or taken off within
 the limits of said corporation, as the proprietors thereof may
 agree upon, at a legal meeting held for that purpose. And the
 said corporation may contract by the year or otherwise, with any
 person or persons in the habit of coming within the said basin, in
 writing, on such terms as may be mutually agreed upon, and such
 contract shall be binding on the parties. Wharfage and
 dockage.

SECT. 8. *Be it further enacted*, That any five of the propri- First meeting.
 etors named in the first section of this act, may call the first meet-
 ing of said corporation, to be holden at such time and place as
 they may judge proper, of which meeting they shall give notice,

by publishing it in the Gloucester Telegraph, printed in Gloucester, or any newspaper printed in the county of Essex, the first publication to be at least fourteen days previous to said meeting, also, by posting up said notice within the town of Gloucester, seven days at least before said meeting : and at meetings of said corporation, each share shall be allowed one vote, and one vote for every additional two shares owned by the same proprietor: *provided, however*, no one proprietor shall be allowed more than ten votes, and absent proprietors may vote by proxy, duly authorized in writing.

Right of voting.

Legislative control.

SECT. 9. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. [Feb. 23, 1828.]

Chap. 78.

An ACT to incorporate the Plymouth County Mutual Fire Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Nye, William Fearing, Elijah Willis, John Atsait, Joseph Meigs, and their associates, shall be a corporation, by the name of the Plymouth County Mutual Fire Insurance Company, and possess all the powers and privileges incident to such corporations, for the term of twenty-eight years.

Choice of directors.

SECT. 2. *Be it further enacted*, That said corporation shall choose a number of directors, not less than five, and such other officers, and establish such by-laws, as they may deem necessary, not inconsistent with the constitution and laws of this Commonwealth ; and in all matters decided in any general meeting of said corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy.

When authorized to insure.

SECT. 3. *Be it further enacted*, That when the sum subscribed by the associates to be insured shall amount to the sum of fifty thousand dollars, said corporation shall then be authorized to insure for the term of one to seven years, any dwelling-house or other buildings in the county of Plymouth, (except in the town of Hingham,) to any amount not exceeding three-fourths of the value of the property insured.

Investment and appropriation of funds.

SECT. 4. *Be it further enacted*, That the funds of the corporation shall be vested in stocks, or loaned on such security as the directors may order, and shall be appropriated, first, to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim against the corporation exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary, on the members, which assessment shall be in proportion to the amount of their premiums and deposits, but shall not in any case exceed double the amount of said premiums and deposits.

Satisfaction of judgments and executions.

SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment against said corporation, and the directors shall neglect to satisfy and pay the same within sixty days after demand made for that purpose upon the treasurer, clerk, or

any director of said corporation, then the execution issuing upon such judgment may be levied upon the private property of any of said directors, to the amount of the excess of the funds of the corporation, together with the amount of all the assessments they are authorized to make, over and above the amount due on judgments previously demanded ; and any directors who may have their property taken may sustain an action on the case, to recover compensation therefor of the corporation, or a proportional part thereof, and contribution therefor of the other directors.

Private property of directors liable.

SECT. 6. *Be it further enacted*, That whenever the term of any policy shall expire, the member of said corporation holding said policy shall have a right to demand of said corporation his just proportion of all the funds belonging to the same.

Members entitled to proportion of funds.

SECT. 7. *Be it further enacted*, That said corporation shall be liable to be taxed by any general law of the Commonwealth. Any member of said corporation named in this act may call the first meeting, by publishing notice thereof in the Old Colony Memorial, printed in Plymouth, and the New Bedford Mercury, printed in New Bedford, fourteen days before the time of said meeting. [Feb. 28, 1828.] Add. act, 1832 ch. 16.

First meeting.

An Act to establish the Weymouth and Braintree Academy.

Chap. 79.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Cotton Tufts, Joseph Loud, Noah Fifield, Ezra W. Sampson, and such others as now are, or hereafter may be, associated with them, be, and they hereby are, made a body politic and corporate, by the name of the Proprietors of the Weymouth and Braintree Academy ; and, by that name, shall sue and be sued, plead and be impleaded, shall have a common seal, which they may alter at pleasure, and shall have power to appoint all such officers, and to make all such by-laws and regulations as shall be necessary to conduct, in the best manner, the business of said corporation, not inconsistent with the constitution and laws of this Commonwealth.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted*, That the number of shares shall be determined by the said corporation, and no proprietor shall be allowed to hold more than five shares at any one time, or have more than three votes ; and that each proprietor shall have one vote for each of the first two shares, and one for the remaining three.

Shares and votes.

SECT. 3. *Be it further enacted*, That said corporation may hold real estate not exceeding five thousand dollars, and personal estate not exceeding ten thousand dollars ; and that any justice of the peace for the county of Norfolk, to whom application shall be made, may call the first meeting, and appoint the time and place thereof.

Real and personal estate.

First Meeting.

SECT. 4. *Be it further enacted*, That the Legislature may, at any time hereafter, alter or repeal this act. [Feb. 28, 1828.]

Chap. 80.

AN ACT to incorporate the Proprietors of Ipswich Academy.

Persons incor-
porated.

General powers.

Real and per-
sonal estate.

First meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Lord, Jr., Joseph Farley, Ammi R. Smith, George W. Hart and Charles Kimball, and such as now are, or hereafter may be associated with them, be, and they are hereby made a body politic and corporate, by the name of the Proprietors of Ipswich Academy, with power to have a common seal, and to alter it at pleasure, to sue and be sued, plead and be impleaded, to make all such by-laws, and perform all such acts, as may be found necessary to conduct the business of said corporation : *provided* such by-laws be not repugnant to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That said corporation shall have power to hold real estate not exceeding the sum of eight thousand dollars, and personal estate, not exceeding ten thousand dollars ; and to make all such assessments from time to time on the shares of said corporation, as the proprietors thereof may find necessary.

SECT. 3. *Be it further enacted,* That the said Charles Kimball may call the first meeting, and appoint the time and place thereof : *provided, nevertheless,* that nothing in this act shall be so construed, as to prevent the Legislature from altering or repealing it at any time hereafter. [Feb. 28, 1828.]

Chap. 81.

AN ACT to incorporate the First Methodist Episcopal Society in Edgartown.

Persons incor-
porated.

Powers and pri-
vileges.

By-laws.

Real and per-
sonal estate.

Election of of-
ficers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Chase Pease, Thomas M. Coffin, Joseph Vincent, Thomas Stewart, Henry Ripley, Isaiah D. Pease, Jeremiah Pease, Jeremiah Banning, Uriah Morse, Matthew Vincent, William Jernegan, Jr., Hiram Jernegan, Frederick Baylies, Jr., Cyrus B. Worth, Daniel Butler, Arnold Butler, Lot Norton, Elihu P. Norton, Ariel Norton, Richard W. Jernegan, and Luke Gray, all of Edgartown, in Dukes County, together with such other persons as may hereafter associate with them, be, and they hereby are incorporated into a religious society in said town of Edgartown, and made a body politic, by the name of the First Methodist Episcopal Society in Edgartown, with all the privileges, powers, and immunities, to which religious societies are entitled by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That the said body politic shall have power to make and use a common seal, and the same to break and alter at their pleasure, and to make such by-laws for the regulation and direction of their business, as shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 3. *Be it further enacted,* That said body politic may hold property, real or personal, or both, to an amount not exceeding six thousand dollars, for the purpose of supporting, with the income of the same, the preaching of the gospel.

SECT. 4. *Be it further enacted,* That said body politic shall, at their first annual meeting, elect a clerk, treasurer, and

seven trustees, to exercise such powers, and to be subject to such liabilities, as shall be prescribed by the by-laws of such body politic.

SECT. 5. *Be it further enacted*, That this act shall be subject to the will of the Legislature, to be altered or repealed at their pleasure. [Feb. 28, 1828.]

AN ACT to incorporate the East Bridgewater Manufacturing Company.

Chap. 82.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel Wheeler, Wallace Rust and Allen Whitman, with such others as already are, or hereafter may be associated with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the East Bridgewater Manufacturing Company, for the purpose of manufacturing cotton goods in the town of East Bridgewater, in the county of Plymouth, and shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and also the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed one hundred and twenty-five thousand dollars; and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of twenty-five thousand dollars. [Feb. 28, 1828.]

Capital stock, and real estate.

AN ACT to incorporate the Oxford Woollen Manufacturing Company.

Chap. 83.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lyman Tiffany, Sylvanus Holbrook, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Oxford Woollen Manufacturing Company, for the purpose of manufacturing wool and cotton in Oxford, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, defining the general powers and duties of manufacturing corporations, and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of wool and cotton, at Oxford aforesaid. [Feb. 28, 1828.]

Real and personal estate.

Chap. 84.

An ACT to incorporate the Third Congregational Society in Reading.

Persons incor-
porated.Powers and
privileges.

Estate.

By-laws.

First meeting.

Legislative con-
trol.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edmund Parker, Silas Smith, Nehemiah Bancroft, Thomas Hartshorn, Charles Parker and Samuel Parker, with such as are, or may be associated with them, be, and they are hereby incorporated into a religious society, by the name of the Third Congregational Society in Reading, with all the powers, privileges and immunities to which parishes and other religious societies are, by the laws and constitution of this Commonwealth, entitled; and shall also have power to take, hold and possess, by gift, grant, devise or otherwise, any personal or real estate, for the purpose of supporting public worship, and other parochial and charitable purposes, and not exceeding in the annual income one thousand dollars; and shall have authority also to choose and appoint all such officers, and make all such by-laws and regulations, as may seem to them expedient or convenient for the due government of said society, and the management of their funds, and other parochial concerns: *provided,* such by-laws and regulations be in no wise contrary to the laws and constitution of this Commonwealth; and all meetings of the said society shall be called and warned in such manner as the by-laws and regulations thereof shall provide.

SECT. 2. *Be it further enacted,* That Edmund Parker be, and he is hereby authorized to call the first meeting of said society, by posting up notifications thereof in two or more public places in said Reading, specifying the time, place, and the object of said meeting, seven days at least before the time appointed for said meeting; and at such meeting, said society may choose all such officers as they may think fit, and as parishes are by law required to choose, in the month of March or April annually, and to transact such other business as may be deemed necessary or proper to be done and transacted by said society.

SECT. 3. *Be it further enacted,* That this act may be altered, amended or repealed at the pleasure of the Legislature. [*Feb. 28, 1828.*]

Chap. 85.

An ACT to incorporate the Orr Manufacturing Company.

Persons incor-
porated.Powers and
duties.

1808 ch. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Wheeler, Wallace Rust and Allen Whitman, with such others as already are, or hereafter may be associated with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Orr Manufacturing Company, for the purpose of manufacturing cotton goods in the town of East Bridgewater, in the county of Plymouth, and shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and also the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed one hundred and twenty-five thousand dollars; and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of twenty-five thousand dollars. [Feb. 28, 1828.]

Capital stock
and real estate.

AN ACT to incorporate the Yearly Meeting of Friends for New-England.

Chap. 86.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Moses Brown, David Buffum, William Rotch, Jun., Rowland Green, William Alny, Estes Newhall, Daniel Johnson, John Osborne, James Hoag, Abraham Wilkinson, William Buffum, Jr., Enoch Breed, Samuel F. Hussey, Abraham Sherman, Jun., Daniel Howland, Abijah Chase, Thomas Howland, William Jenkins, Isaac Bassett, Jun. and Stephen A. Chase, together with the other members of the Yearly Meeting of Friends for New-England, and their successors, be, and they hereby are made a body politic in this Commonwealth, by the name of the Yearly Meeting of Friends for New-England, with power to take and hold, in their corporate capacity, in the city of Boston, and other places within this Commonwealth, real or personal estate, for religious and charitable purposes, provided the nett income thereof shall not exceed, in any one year, the sum of three thousand dollars.

Persons incor-
porated.

Estate, real or
personal.

SECT. 2. *Be it further enacted*, That the said Yearly Meeting may, from time to time, convey to any person or persons, any of their said real estate; and a deed executed by their committee, called the meeting for sufferings, or a majority of them, under their hands and seals, and acknowledged and recorded according to law, shall be sufficient to pass the title of said Yearly Meeting thereto.

Conveyances of
real estate.

SECT. 3. *Be it further enacted*, That this act may, at any time, be altered or repealed at the pleasure of the Legislature. [Feb. 28, 1828.]

Legislative con-
trol.

AN ACT in addition to an Act entitled "An Act to authorize towns in the County of Franklin to associate together to build an Almshouse for the support of their Poor."

Chap. 87.

1826 ch. 98.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the several towns in said county, not named in the act to which this is in addition, may, within five years from the passing of said act, avail themselves of the provisions thereof, upon the conditions therein contained.

SECT. 2. *Be it further enacted*, That the several towns which may associate together for the purposes enumerated in said act, may choose their several agents, therein authorized, to be chosen at any town meeting legally warned for that purpose, any thing in the act to which this is in addition, to the contrary notwithstanding. [Feb. 28, 1828.]

Towns may
choose agents.

Chap. 89. An Act in addition to an Act entitled "An Act to incorporate the Pawtucket Congregational Society."
1827 ch. 55.

WHEREAS, in and by the act aforesaid, the name of Eliphalet Starke was, by mistake, inserted, instead of the name of Eliphalet Slack,—therefore :

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Pawtucket Congregational Society shall be empowered to hold and enjoy a certain fund given to the said religious society by the said Eliphalet Slack, in the same manner as in and by the act aforesaid, they are entitled to hold and enjoy a fund given by the said Eliphalet Starke. [March 1, 1828.]

Chap. 90.

An Act to establish the town of Pawtucket.

Pawtucket incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the northwest part of the town of Seekonk within the following lines, namely : beginning at a bend of the Seekonk river, about forty rods south of the mouth of Beverage brook so called, thence running a due east course till it strikes the Ten Mile River, so called, thence by said river till it comes to the Attleborough line, including the island on which Kent's Factory is situated, also the bridge a few rods north of said Kent's Factory, which shall in future be supported by the said town of Pawtucket ; thence westerly on the Attleborough line till it comes to the Rhode Island line ; thence southerly on said Rhode Island line, till it comes to the first corner, with all the inhabitants living thereon, be incorporated into a town by the name of Pawtucket, with all the powers and privileges, and subject to all the duties and requisitions that towns within this Commonwealth do or may enjoy, or be subject to.

Arrears of taxes.

SECT. 2. *Be it further enacted,* That the inhabitants of the said town of Pawtucket shall be holden to pay all arrears of taxes which have been duly assessed upon them by the town of Seekonk, together with their proportion of all debts due from said town of Seekonk, prior to the date of this act ; and the said town of Pawtucket shall be entitled to receive their proportion of all debts and taxes due to the said town of Seekonk, when collected and paid into the treasury of said town ; and the said town of Pawtucket shall be entitled to hold their proportion according to the last valuation of all the real and personal property, including the legacy of the late Eliphalet Slack, belonging to the town of Seekonk before the passing of this act, except so much of said property as is hereafter mentioned ; and, whereas, by an act of this general court passed the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and twelve, entitled an act to establish the town of Seekonk, it is enacted that all the expenses arising from the support of the poor, which had become chargeable to the town of Re-

Property.

1811 ch. 138.

hoboth, together with such poor as have removed out of said Rehoboth prior to the said act, but who might thereafter be lawfully returned to said town for support, shall be equally divided between the towns of Rehoboth and Seekonk.

SECT. 3. *Be it further enacted*, That the said town of Pawtucket shall be held to pay one third of the expenses to which the said town of Seekonk may hereafter become liable in consequence of said provision, and when the said town of Pawtucket shall be organized, the paupers supported by said town of Seekonk in pursuance of said provision, whether the same be supported in whole or in part only, shall be divided as nearly as may be, and one third thereof delivered over to the overseers of the poor of the said town of Pawtucket, to be by them in future supported; and all persons who may hereafter become chargeable as paupers to the said towns of Seekonk and Pawtucket, shall be considered as belonging to that town on the limits of which they had their settlement at the time of the passing of this act, and shall in future be chargeable to that town only.

SECT. 4. *Be it further enacted*, That the poor now supported by the town of Seekonk, and all such who may hereafter be returned for support, in virtue of having acquired a settlement in said town, shall be supported by the town within the territorial limits of which they have acquired their settlement.

SECT. 5. *Be it further enacted*, That until a new valuation is taken by the Commonwealth, the state and county taxes and any reimbursements required by the Commonwealth for the payment of the representation of the present and past years of said town of Seekonk, which may be called for from said towns of Seekonk and Pawtucket, shall be paid jointly by said towns, and in the proportion of two thirds for said town of Seekonk, and one third for said town of Pawtucket.

SECT. 6. *Be it further enacted*, That the said town of Pawtucket shall have no claim to the town-house, and also a certain parcel of real estate, known by the name of Kittle Point, and is owned by the towns of Seekonk and Rehoboth; and the said town of Pawtucket shall not be liable to pay any expenses that have, or may accrue, on account of said estate; and the said town of Seekonk shall also retain to their own use the school fund so called.

SECT. 7. *Be it further enacted*, That any justice of the peace in the county of Bristol, be, and hereby is, authorized to issue his warrant, directed to some suitable inhabitant of Pawtucket, requiring him to notify and warn the inhabitants of the said town of Pawtucket, to assemble and meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose and appoint at their annual town meetings. [March 1, 1828.]

Chap. 91. An Act to incorporate the Trustees of the Parochial Funds of the Congregational Church and Parish in Millbury.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Caleb Burbank, Amasa Braman, John Jacobs, Josiah Woodward, and Phineas Longley, be, and they hereby are incorporated and constituted a body politic, by the name and title of the Trustees of the Parochial Funds of the Congregational Church and Parish in Millbury; they shall have a common seal, which they may alter at pleasure; may sue and be sued, and prosecute to final judgment and execution; and the said trustees shall have power to take, hold, collect and manage at their discretion, all such subscriptions and other securities for money, and all gifts, grants and bequests of real and personal estate as have been made, or shall hereafter be made, by any person or persons, for the maintenance of the gospel ministry in said church and parish: *provided, always,* that the whole income of such property and estate shall not exceed the sum of twelve hundred dollars annually. The said trustees shall also have power to appoint their own officers, and define their powers, and make such by-laws, from time to time, as they shall find necessary for the better management of the affairs of their trust, provided the same shall not be repugnant to the constitution and laws of this Commonwealth; and, in general, they shall enjoy all the rights, and be subject to all the liabilities common to corporations of a similar character.

**Persons incor-
porated.**

General powers.

Estate.

Powers of trustees.

Number of trustees and their duties.

SECT. 2. *Be it further enacted,* That the number of said trustees shall never be less than five, three of whom shall constitute a quorum for transacting business; they shall fill all vacancies which may happen in their body, and have power to remove any member who may become unfit, or incapable, from age, infirmity, or otherwise, of discharging the duties of his office; and the said trustees shall always be inhabitants of said town, and members of said church or parish: and it shall be the duty of said trustees to invest and manage the funds aforesaid, according to their best discretion, to make them most productive, and shall annually appropriate the interest or proceeds thereof for the support and maintenance of the gospel ministry in said parish: and the trustees aforesaid shall, in the month of March or April, each and every year, make a full and particular statement, to the said church and parish, of the amount and situation of the funds committed to them in trust as aforesaid, and the manner in which the interest or proceeds thereof have been appropriated.

First meeting. **SECT. 3.** *Be it further enacted,* That Caleb Burbank be, and he hereby is authorized and empowered, to call the first meeting of said trustees.

Legislative control. **SECT. 4.** *Be it further enacted,* That this act may be altered, amended or repealed at the pleasure of the Legislature. [March 1, 1828.]

AN ACT to incorporate the South Parish in Natick.

Chap. 92.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Biglow, Elijah Perry, Phares Sawin, Abraham Biglow, John Bacon, Jun., Leonard Perry, Charles Morse, Benjamin Bird, William Perry, Lindall Perry, Amory Morse, John P. Barnes, Oliver Bacon, Hannah Draper, Isai-ah Baron, William Drake, Dexter Whiting, Samuel Jones, Lowell Perry, Pardon Albee, John Atkins, Jr., Thomas Phillips, John P. Breck, Stephen H. Spaulding, Baxter Sawin, John Mann, John Morse, 2d., Calvin Sawin, Isaac Biglow, Jr., and Job Brooks, with such others as may hereafter associate with them, and their successors, be, and they hereby are made a body corporate, by the name of the South Parish in Natick, with all the powers, privileges, and immunities, to which parishes are entitled by the constitution and laws of this Commonwealth.

Persons incor-
porated.

Powers and pri-
vileges.

SECT. 2. *Be it further enacted,* That, for all the purposes of providing for the worship of God, the said parish shall have power to raise such sums of money as may, from time to time, be deemed expedient, by a tax on the polls and estates of all the members thereof, and, in general, to manage the prudential affairs of the parish according to law; and said parish shall have power to hold real and personal estate, the annual income of which shall not exceed the sum of one thousand dollars.

Taxes.

Real and per-
sonal estate.

SECT. 3. *Be it further enacted,* That any justice of the peace for the county of Middlesex, may, on the written application of any ten members of said parish, call the first meeting thereof, by a warrant, to be served on all the members, seven days, at least, previous to the meeting, by any one of the applicants; which warrant shall specify the time, place, and business of the meeting, and said justice shall call said meeting to order, and shall preside in the choice of a clerk of said parish.

First meeting.

SECT. 4. *Be it further enacted,* That this act may, at any time, be amended or repealed at the pleasure of the Legislature. [March 1, 1828.]

Legislative
control.

AN ACT relating to the Appointment of Engine Men in the town of Worcester.

Chap. 93.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the selectmen of said town be, and they hereby are authorized, if they shall judge it expedient, to nominate and appoint any number of engine men, in addition to the number now authorized by law, not exceeding in the whole thirty men for each and every engine, four men for each hose carriage, thirty men to be employed as a hook and ladder company, and twenty-five men to be employed as a hose company; and the said engine men are authorized to organize themselves into distinct companies under the direction of the selectmen of said town, to elect directors, clerks and other officers, to establish such rules and regulations as may be approved by the said selectmen, and

Selectmen may
appoint addi-
tional engine-
men.

to annex penalties to the same, which may be recovered by the clerk of any company so organized, before any justice of the peace in the county of Worcester: *provided* that no penalty shall exceed the sum of five dollars, and that such rules and regulations shall not be repugnant to the laws and constitution of this Commonwealth.

Selectmen shall have the care of engines, &c.

SECT. 2. *Be it further enacted*, That the said selectmen shall have the care and superintendence of the public engines, hose carriages, fire hooks and ladders, together with the fixtures and appendages thereto belonging, and shall cause the same to be kept in good repair, and may, from time to time, make such alterations and improvements therein as they shall deem expedient.

Penalties for wanton or malicious injury to engines, &c.

SECT. 3. *Be it further enacted*, That if any person shall, within the town of Worcester, wantonly or maliciously spoil, break, injure, damage, or render useless, any public engine, hose carriage, fire hooks or ladders, or any fixture or appendage thereto belonging, and shall be convicted thereof, before the supreme judicial court or court of common pleas, he shall be punished by a fine, not exceeding five hundred dollars, or by imprisonment, not exceeding two years, at the discretion of the court, and be further ordered to recognize, with sufficient surety or sureties, in such sum as the court shall order, for his good behaviour, for such term as may be ordered by said court. [March 3, 1828.]

Chap. 95.
1807 ch. 45.

An Act in addition to an Act, entitled "An Act to incorporate certain persons by the name of the Trustees of the Ministerial Funds of the Congregational Society in the town of Malden, in the county of Middlesex."

Persons empowered to call a meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathan Nichols, Thomas Oakes, Joseph Lynde, William H. Richardson and Charles Lewis, or any three of them, members of the Congregational Society commonly called the First Parish in Malden, and on the first day of August last, chosen a committee thereof, be, and they hereby are authorized and empowered, on the application in writing of any ten of the members of said First Parish in Malden, to call a meeting of the legal voters of said parish, to be holden at such time and place, within the town of Malden, in the month of March or April next, as they may deem proper, by posting, in two public places, at least, in said Malden, an attested copy of their warrant for that purpose, at least ten days previous to the time of holding said meeting. And at the same meeting, it shall be lawful for the members of said First Parish, qualified to vote in parish affairs, to choose such officers, and transact all such business, as parishes are by law authorized to choose and transact, at their annual meetings in the month of March or April.

Trustees to be elected by parish.

SECT. 2. *Be it further enacted*, That the members of the said First Parish may, at the same meeting, to be holden as above, and it shall be their duty, then to elect, by ballot, five persons, being members thereof, to be trustees of the ministerial

funds aforesaid, who shall have all the powers, and be subject to all the duties and liabilities, which are provided in and by the act to which this is in addition; the said trustees performing the same duties in relation to the assessors of said First Parish, which, by the act aforesaid, they are bound to perform in relation to the assessors of the town of Malden. And it shall be the duty of the said First Parish, or Congregational Society, ever after, in like manner to elect trustees of said ministerial funds, at their annual meetings in the month of March or April, any thing in the act aforesaid to the contrary notwithstanding.

SECT. 3. *Be it further enacted*, That all parts of the act aforesaid, inconsistent with the provisions of this act, be and the same are hereby repealed. Repeal.

SECT. 4. *Be it further enacted*, That the Legislature may hereafter alter, amend, or repeal this act, and the act to which this is in addition, at pleasure. [*March 4, 1828.*] Legislative control.

An ACT to incorporate the Central Baptist Society in Middleborough.

Chap. 96.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Levi Peirce, Tisdale Lincoln, George Leonard, George Shaw, Lemuel Briggs, James M. Leonard, John Barden, Edward Barden, Josiah Tinkham, Sylvanus Barrows, Benajah Peirce, Ephraim Peirce, Jacob Holmes, Joseph Clark, Thomas Clark, Phebe Oliver, John Morton, John N. Peirce, Elisha Tucker and Ethan Earle, with such others as may associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of the Central Baptist Society in Middleborough, with all the privileges, powers and immunities, to which parishes and religious societies are entitled by the constitution and laws of this Commonwealth, and may hold, purchase and receive, by gift or otherwise, for parochial purposes, any real or personal estate, not exceeding in value the sum of twenty thousand dollars. Persons incorporated.
Powers and privileges.
Estate.

SECT. 2. *Be it further enacted*, That Levi Peirce be, and he is hereby authorized to call the first meeting of said society, by issuing his warrant to some member of said society, directing him to notify the members thereof to meet at a suitable time and place, to be appointed in said warrant, for the election of its officers, and establishing the mode of calling future meetings. First meeting.

SECT. 3. *Be it further enacted*, That this act may, at any time hereafter, be altered or repealed at the pleasure of the Legislature. [*March 4, 1828.*] Legislative control.

An ACT to incorporate the President, Directors and Company of the East Bridge-water Bank.

Chap. 97.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaac Whitman, Levi Keith, Nahum Mitchell, Ephraim Hyde, Aaron Hobart, John E. Howard, Nathan Lazell, Junior, and Nathaniel Cross, with their associates, successors and assigns, shall be, and are hereby created a corporation, Persons incorporated.

General powers.

by the name of the President, Directors and Company of the East Bridgewater Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be and are hereby made capable in law to sue and be sued, to plead and be impleaded, defend and be defended, in any court of record, or any other place whatever, and also to make, have and use a common seal, and to ordain, establish and put in execution such by-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said corporation, and the prudential management of its concerns: *provided*, such by-laws, ordinances and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein contained.

Amount of capital stock, shares, &c.

SECT. 2. *Be it further enacted*, That the capital stock of said bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, to be paid in the following manner, viz: one third part thereof on or before the first day of July next; one third part on or before the first day of November next, and the residue thereof on or before the first day of February next, or at such earlier times as the stockholders at any meeting may order; and no dividend of profits shall be declared or paid on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns: and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting, on banking principles, on such security as they shall think proper: *provided, however*, that nothing herein contained shall prevent said corporation from taking and holding real estate on mortgage, or on execution, to any amount, as security for, or in payment of, any debt due to said corporation: *and provided, further*, that no money shall be loaned, or discount made, nor shall any bills be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

Real estate.

Proviso.

SECT. 3. *Be it further enacted*, That the rules, limitations and provisions, which are provided in and by the third section of an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established, in the same manner as though especially recited in this act, excepting that the bond to be given by the

cashier shall be given in the penal sum of twenty thousand dollars, and the number of directors to be annually chosen shall be nine, and be inhabitants of, and residents within the county of Plymouth, in said Commonwealth, and accountable for the doings of the whole board, five of whom may constitute a quorum for transacting business; *provided*, that the amount of bills of the said bank in circulation shall not, at any time, exceed the amount of the capital actually paid in.

Cashier's bond and number of directors.

Proviso.

SECT. 4. *Be it further enacted*, That said bank shall be established and kept in the town of East Bridgewater, in the county of Plymouth.

Location of bank.

SECT. 5. *Be it further enacted*, That any committee especially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if upon such examination it shall be found, and after a full hearing of the said corporation thereon, be determined by the Legislature that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

Legislative examination.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any one of them, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same three weeks successively in the Old Colony Memorial, printed in Plymouth, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

First meeting.

SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation herein before provided for; and whenever the Commonwealth shall become interested in said bank, the governor and council shall have a right to appoint four additional directors for the management of the same.

Commonwealth may subscribe to capital stock and appoint directors.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder, the amount of any note of said bank counterfeited, unless such note is printed or impressed with the stereotype plate, and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note; and no loan or discount shall be made, nor shall any note or bill be

Corporation liable to pay original amount of altered notes.

Stereotype plate.

issued by the said corporation, or by any person on their account, in any other place than at the said bank.

Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of April next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Loans to the Commonwealth.

SECT. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum.

Stock not transferable for one year.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing of this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void. [March 8, 1828.]

Chap. 98.

An Act to incorporate the First Methodist Episcopal Society in Medford.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Bracket, Isaac Mc Elroy, George Williams, Jonathan Gross, William James, James D. Yates, Alva Smith and Lewis Janson, with their associates and successors, be, and they are hereby incorporated into a religious society, by the name of the "First Methodist Episcopal Society in Medford," with all the powers, privileges and immunities which parishes are entitled to by the constitution and laws of this Commonwealth; and may purchase, receive by gift or otherwise, and hold, real or personal estate, the annual income of which shall not exceed the sum of one thousand dollars, for the purpose of supporting public worship.

Powers and privileges.

Estate.

Trustees.

SECT. 2. *Be it further enacted*, That all gifts, grants or monies received by said society, shall be under the direction of five trustees, to be appointed by said society.

Power of trustees.

SECT. 3. *Be it further enacted*, That said trustees be, and they are hereby vested with, and shall have full power to receive all monies, subscriptions, donations and securities, for real or personal estate, that may hereafter be given, raised or subscribed, for the use of said society; and said trustees are hereby empowered, by purchase, or operation of law, to take, have, hold, use, improve and manage any estate, real or personal, the annual income whereof shall not exceed the sum of one thousand dollars, in trust, for the support and maintenance of the gospel ministry, and other expenses of said society; and all deeds of pews in the meeting-house of said society, duly executed and acknowl-

Deeds of pews.

edged, and recorded by the clerk of said society in a book kept by him for that purpose, shall be good and valid.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Middlesex be, and he is hereby empowered, on application therefor, to issue his warrant to some member of said Methodist Episcopal Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose at their annual meetings, and to transact such other parochial business as may be authorized by said warrant. First meeting.

SECT. 5. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. Legislative control.
[March 8, 1828.]

An ACT to incorporate the First Baptist Society in New Bedford.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Coggeshall, Jr., Thomas Barstow, Nathaniel Nelson, and James Tripp, all of New Bedford, together with such other persons as may hereafter associate with them, and their successors, be, and they hereby are, incorporated into a religious society, in the town of New Bedford, and made a body politic, by the name of the First Baptist Society in New Bedford, with all the privileges, powers and immunities to which religious societies are entitled by the constitution and laws of this Commonwealth. Chap. 99.
Persons incorporated.
Powers and privileges.

SECT. 2. *Be it further enacted*, That the said body politic shall have power to make and use a common seal, and the same to break and alter at their pleasure, and to make such by-laws for the regulation and direction of their business, as shall not be repugnant to the constitution and laws of this Commonwealth. By-laws.

SECT. 3. *Be it further enacted*, That said body politic may hold property, real or personal, or both, to an amount not exceeding twenty thousand dollars, for the purpose of supporting, with the income of the same, the preaching of the gospel, and other benevolent and religious purposes. Estate, real or personal.

SECT. 4. *Be it further enacted*, That said body politic shall, at their first annual meeting, elect a clerk, treasurer, and nine trustees, with such powers as shall be prescribed by the by-laws of said body politic; and the first meeting thereof may be called by John Coggeshall, Jr., who is hereby authorized to issue his warrant therefor, for the choice of officers, and for organizing said society. First meeting.

SECT. 5. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. Legislative control.
[March 8, 1828.]

Chap 100. An ACT to incorporate the Upper Falls Religious Society, and the Proprietors of the Upper Falls Meeting-house in Newton.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Newell Ellis, Otis Pettee, M. P. Sturdivant, David Bushee, J. Sherman, Moses Craft, Elisha Wiswall, Matthias Collins, Jos. Barney, Walter McFarland, Caleb Haskell, Whipple Freeman, Elijah Story, Joseph Davenport, Benjamin Davenport, Jr., Oren Colburn, Frederick Cabot, and Rufus Ellis, together with such others as may associate with them, and their successors, be, and they hereby are, incorporated and established as a religious society, by the name of the Upper Falls Religious Society, with the right to hold property, either real, personal or mixed, the income of which shall not exceed one thousand dollars per annum ; and with all the powers and privileges, and subject to all the duties of other religious societies, according to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That the said Otis Pettee, Newell Ellis, Rufus Ellis, Frederick Cabot, their associates and successors, be, and they hereby are, incorporated and made a body politic, by the name of the Proprietors of the Upper Falls Meeting-house in Newton, and shall, by that name, sue and be sued in all actions in which said corporation may be concerned ; and may also ordain and establish such by-laws and regulations, and choose such officers as to them may seem necessary : *provided,* such by-laws and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth.

SECT. 3. *Be it further enacted,* That the proprietors of the said meeting-house shall have full power to assess upon the individuals composing the same, in proportion to the number of shares in said meeting-house, belonging to them respectively, such sum or sums of money as shall be sufficient to pay the debts now due from said corporation, and all necessary future charges, and to assess upon the pews in said house, and upon the polls and estates of the individuals composing said religious society, such expenses as shall be annually voted by the proprietors of said house for the support of public worship therein ; the said expenses to be apportioned in such manner as the said proprietors, or their proper officers, may think proper ; and the said proprietors shall have power, by such officers as they shall appoint for that purpose, to sell, in such way as they shall determine, the pews in said meeting-house, belonging to the said corporation, and execute deeds to the purchasers thereof.

SECT. 4. *Be it further enacted,* That all the taxes or assessments to which the property and estate of the Eliot Manufacturing Company and Newton Factories are by law liable, for the support of public worship in Newton, or elsewhere in this Commonwealth, shall be laid and assessed by, and payable to, the proprietors of said meeting-house, or their proper officers, for the support of public worship therein : *provided, however,* that the said Eliot Manufacturing Company, and Newton Factories, shall

have a right to pay over to the parishes in Newton or Needham, in which they are now taxed, such part of their taxes as they may think fit, not exceeding one half thereof.

SECT. 5. *Be it further enacted*, That any justice of the peace for the county of Middlesex, upon application therefor, is hereby authorized to issue a warrant, directed to any member of said society hereby incorporated, and also to any proprietor of said meeting-house, directing him or them to notify or warn the members of said society, and the proprietors of said meeting-house, to meet at such time or times, and such place, as shall be expressed in said warrant, for the choice of such officers as the members of said society, and the proprietors of said house, may respectively think proper. First meeting.

SECT. 6. *Be it further enacted*, That this act may be altered, amended or repealed, at any time, at the pleasure of the Legislature. [March 8, 1828.] Legislative control.

AN ACT to incorporate the Central Mills.

Chap 101.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Joy, Edmund Winchester, Amos Binney, and Edmund Monroe, their associates, successors and assigns, be, and they hereby are, made a body politic and corporate, by the name of the Central Mills, and, by that name, may sue and be sued, prosecute and be prosecuted to final judgment and execution, and may have all the powers and privileges given usually by acts of incorporation for manufacturing purposes, subject to the rules, regulations and penalties of the act entitled “an act defining the general powers and duties of manufacturing corporations,” passed March third, one thousand eight hundred and nine, and the several acts in addition thereto; and said corporation may have a common seal, make by-laws for the regulation of their affairs, not repugnant to the laws of this Commonwealth; and may purchase and hold real and personal estate to any amount not exceeding in value fifty thousand dollars, to promote the objects of the corporation. Persons incorporated.

Powers and duties.
1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation shall have the power to build a dam, beginning at or near the westerly end of Bridge-street at Lechmere Point, so called, in Cambridge in the county of Middlesex, in a northerly direction across Miller or Willis Creek, to the bank or flats of Pleasant Hill Farm, in Charlestown, now owned by Benjamin Joy, which dam shall not be less than twenty-eight feet wide on the top, independent of a good and sufficient side walk, to be annexed thereto, and shall be so effectually made, as to prevent the tide-water passing through or under the same, and so as to form a mill-pond, and enclose the water in said creek, above the dam aforesaid, at the height of common tides; and in said dam, the said corporation shall construct and make a good and sufficient sluiceway and guard lock, of not less than sixteen feet wide, for the admission of water into the mill-pond above said dam, and Real and personal estate.

Corporation may build a dam.

Sluiceways and guard locks.

for the passage of boats and rafts, which shall have a right to pass and repass through said sluiceway and guard lock free of toll : *provided*, that no boat or raft shall have a right to pass and repass through said sluiceway and guard lock, except at or near high tide. And said corporation shall, at their expense, keep some suitable person at all proper times ready to open said guard lock for the passage of boats and rafts ; and said corporation shall have the power to build and construct on the sides of said dam, either above or below the same, and adjoining thereto, such piers, abutments and wharves, as may be necessary for the erection of grist-mills, and other machinery, to be worked by the water of the aforesaid pond, and further to make and construct a dam and guard lock or gate across the canal running from said creek to Cambridgeport, in such manner as to detain the water in said creek, and prevent its passing off through said canal, which guard lock or gate shall be so constructed, as to admit the passage of boats and rafts of not more than sixteen feet wide, which boats or rafts may pass through said guard lock or gate free of toll, at or near high tide, and at no other time : and said dam and guard lock, or gate, last mentioned, may be built across said canal, at any place between said creek and Cambridge-street, so called.

Dam shall be a road free of toll.

SECT. 3. *Be it further enacted*, That said corporation shall make and finish the dam over said creek, and connect the different parts thereof, so as to render the same a good and substantial road for the passage of men, teams and carriages of all kinds, free of toll, may cut any number of convenient sluiceways in said dam, maintain and keep up their said works forever, and may sell or lease the right of using the water in said pond, upon such terms, and in such manner, as they may think proper ; and no person shall have the right to use or dispose of said water, but with the consent of said corporation.

Condition of this act.

SECT. 4. *Be it further enacted*, That if said corporation, or some person under them, shall not, within three years from the passage of this act, build and construct said dams, sluiceways, guard locks and gates, and establish mills thereon, employing a power equal to turning two pair of common mill stones, then this act shall be void.

Damages how recovered.

SECT. 5. *Be it further enacted*, That any person or corporation sustaining any damages by the building said dams, sluiceways, guard locks or gate, or from the exercise of any of the rights or powers herein granted, shall have the right to recover the full amount of said damages, in an action of the case, in any court proper to try the same.

Public highway.

SECT. 6. *Be it further enacted*, That if at any time hereafter, the public convenience and necessity shall require a public highway, to be laid out and established over and upon said first mentioned dam, the said corporation shall permit such highway to be laid out and established over and upon said dam, and shall not be entitled to demand or receive any compensation in damages therefor.

SECT. 7. *Be it further enacted*, That the said corporation shall have the right to build and construct a good and substantial highway or road, the travelled part of which shall be not less than thirty feet wide, from the northerly end of the dam over said creek, in a northwesterly direction across the marsh to the Medford road so called, near the north end of the bridge over said creek, so as to form a continuation of the road or highway newly established, from said Medford road, northwesterly, to the dwelling house of Lydia Stone, in Charlestown : *provided*, said corporation shall first obtain the consent of the owners of the land over which said road or highway may be constructed.

Corporation
may build a
road, &c.

Proviso.

SECT. 8. *Be it further enacted*, That either of the persons named in this act, may call the first meeting of said corporation, by giving seven days notice of the time and place of meeting, in two public newspapers printed in Boston, at which meeting there shall be chosen a clerk, who shall be under oath for the faithful discharge of his duties, and such other officers as the corporation may think proper. [March 8, 1828.] Add. act, 1832 ch. 118.

First meeting.

An ACT to incorporate the Bradford Mutual Fire Insurance Company.

Chap 102.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Moses Parker, Jeremiah Spofford, Benjamin Parker, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Bradford Mutual Fire Insurance Company, with all the powers and privileges incident to such corporations, for the term of twenty-eight years.

Persons incor-
porated.

SECT. 2. *Be it further enacted*, That the officers of said company shall consist of a president, secretary, treasurer, and four directors, who together shall constitute a board of directors, which officers shall be chosen annually by the company, in the month of November : and the said corporation may establish such by-laws, as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth, and the members may vote by proxy.

Board of direc-
tors.

SECT. 3. *Be it further enacted*, That when the sum subscribed to be insured, shall amount to fifty thousand dollars, or more, the said corporation may issue policies, and insure against fire on any building, goods or furniture, of any individual of the company, to any amount, not exceeding three quarters of the value of the property insured.

Insurance, when
to be effected.

SECT. 4. *Be it further enacted*, That the funds of the said corporation shall be invested in stocks or loaned on security, as the directors may order, and shall be appropriated, first to pay the expenses of the corporation, and next, to pay the damages which any member may be entitled to recover on his policy : and in case any member shall have a just claim upon the corporation for any losses by fire, exceeding the amount of their then

Investment and
appropriation
of funds.

- Assessments.** existing funds, the directors shall, without delay, assess the necessary amount thereof, on the several members of the corporation, in proportion to the amount of their premiums and deposits, and pay the same over to the insured sufferer, in sixty days after such loss.
- Action for damages.** **SECT. 5.** *Be it further enacted,* That, whenever any member shall sustain loss by fire, and thereby have a just demand against the corporation, and if the same shall not be paid in sixty days after such loss, he or she may have and sustain an action of the case against said corporation, to recover full and adequate damages.
- First meeting.** **SECT. 6.** *Be it further enacted,* That any member named in this act may call the first meeting of this corporation, by posting up advertisement thereof, [and] of the time, and place, and purpose, in three several public places in said Bradford, seven days at least, before said meeting: and the corporation may then agree upon the mode of calling future meetings: and this act shall be subject at all times to the revision or repeal of the Legislature.
- Liability to taxation.** **SECT. 7.** *Be it further enacted,* That said corporation shall be liable to be taxed by any general law of the Commonwealth. [March 8, 1828.]

Chap 103.

An ACT to incorporate the President, Directors and Company of the Franklin Bank, in Boston.

- Persons incorporated.** **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Whittemore, Adam Bent, William Wright, David Rice, Josiah Dunham, David Gurney, Noah Brooks, Isaac Thom, John Amory, and Jacob Flinn, their associates, successors and assigns, shall be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Franklin Bank in Boston, and shall so continue, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the president, directors and company of the State Bank,” except in so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of the said act were herein specially recited and enacted: *provided, however,* that the amount of bills, issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.
- Powers and duties.** **SECT. 2.** *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars in gold or silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the first day of October next, one fourth part thereof on or
- 1811 ch. 84.
- Proviso.**
- Capital stock.**
- Shares, and the payment thereof, &c.**

before the first day of November next, one fourth part thereof on or before the first day of February next, and the residue on or before the first day of March, in the year of our Lord one thousand eight hundred and twenty-nine. And no dividend shall be declared on the capital stock of said bank, until the whole amount of the capital stock shall have been paid in conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, possess, enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more at any one time; with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the president, or two of the directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to fifty thousand dollars; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose; whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor; and no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Real estate.

Proviso.

Examination
and return of
capital.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in that part of Boston called South Boston; and no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, in any other place than at the said bank.

Location of
bank.

SECT. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one

Loans to the
Common-
wealth.

time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

First meeting.

SECT. 5. *Be it further enacted*, That the persons, herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary ; and the choice of the first board of directors, and such other officers as they shall see fit to choose : *provided*, such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth.

Commonwealth may subscribe to capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature may appoint directors.

SECT. 7. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right.

Cashier shall give bond.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Tax.

SECT. 9. *Be it further enacted*, That said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of capital stock which shall have actually been paid in.

Corporation liable to pay original amount of altered notes.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank, counterfeited, unless all the notes actu-

ally issued by said corporation, shall be printed or impressed with the stereotype plate. And said corporation shall not at any place, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

SECT. 11. *Be it further enacted*, That any committee specially appointed by the Legislature, for that purpose, shall have a right to examine into the doings of said corporation; and have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. Legislative examination.

SECT. 12. *Be it further enacted*, That if the bank hereby incorporated be not put into operation on or before the first day of March, one thousand eight hundred and twenty-nine, this act shall be void; and no part of the capital stock shall be sold or transferred, until the whole amount thereof shall have been paid in. [*March 8, 1828.*] Add. acts, 1830 ch. 58 : 1832 ch. 65. Condition of this act.

An Act to incorporate the Proprietors of the Central Locks and Canals on Connecticut River. Chap 104.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George Beach, John Hooker, Joseph Lyman, and their associates and successors, be, and they hereby are, constituted a body politic, by the name of "The Proprietors of the Central Locks and Canals on Connecticut River," and, by that name, may sue and prosecute, and be sued and prosecuted, and shall be, and hereby are, vested with all the powers and privileges by law incident to corporations. Persons incorporated.

SECT. 2. *Be it further enacted*, That said corporation shall have power to clear the passages of the Connecticut river, between the mouth of Stony brook, so called, in South Hadley, and the mouth of Deerfield river, and may erect and maintain a dam at School Meadow Bar, so called, near the north part of Hatfield, and to overcome said bar, and other bars above, may construct such lock or locks, canal or canals, as may be necessary for the passage of boats drawing three feet of water: *provided*, that said dam shall be of such height as not to raise the water, at the highest place, more than six and an half feet higher than the same would rise without said dam: *and provided*, that not less than two hundred feet in the length of said dam shall be made sloping on the lower side, with an elevation not exceeding an angle of forty-five degrees. Authorized to construct a dam, &c.

SECT. 3. *Be it further enacted*, That any two of the proprietors before named, may call the first meeting of said corporation, to be holden at Springfield, in the county of Hampden, by publishing a notification thereof three weeks successively in the Proviso.

First meeting.

newspapers printed in Springfield ; and at such meeting, and at all other meetings legally notified for the purpose, may make, alter or repeal all such by-laws, rules and regulations as may be necessary for the management of the affairs of said corporation : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Election of officers, &c.

SECT. 4. *Be it further enacted*, That there shall be elected annually, by said corporation, a president, and such number of directors, and other officers, and with such powers as said corporation, by their by-laws, shall direct ; and all questions which occur in the meetings of said corporation, shall be determined by a majority of the votes of the members present : and those represented by attorney, one vote for each share.

Subscriptions.

SECT. 5. *Be it further enacted*, That the said corporation shall, at such time or times, place or places, and in such manner as they shall judge expedient, cause books of subscription to be opened for the shares thereof, on such terms and conditions, and to such number and amount, as they shall think necessary, giving reasonable previous notice ; and the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars ; and the property of said corporation, and of each individual therein, is hereby declared, and shall be taken to be personal estate.

Capital stock.

Assessments.

SECT. 6. *Be it further enacted*, That said corporation, by their directors, or otherwise, may make and order the payment of such assessments upon the shares of the proprietors, as shall be necessary for carrying into effect the objects of this act, and shall give public notice thereof ; and in case any proprietor shall neglect or refuse the payment thereof, for more than thirty days after such assessment shall have become payable, so many of his shares as shall be necessary to raise the amount of such assessment, may be sold at public auction, after giving notice thereof according to the by-laws, and the balance, after discharging such assessment, and necessary expenses, shall be paid to such delinquent proprietor.

Damages, how recovered.

SECT. 7. *Be it further enacted*, That, in all cases, where any person shall be damaged in his property, by the erection and construction of the works necessary for the purposes of this act or in any other way by the said corporation, and the proprietors aforesaid do not, within twenty days after being requested thereto, make, or tender, reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the court of common pleas, at any term holden in the county of Hampshire, to have a committee appointed by said court, at his own expense, to estimate the damage so done ; and the said court is hereby empowered to appoint a committee of three disinterested freeholders in said county, to estimate such damages ; which committee shall give reasonable notice to the persons interested, and to the clerk of the proprietors aforesaid, of the time and place of their meeting ; and they shall be under oath to perform the said service according to their best skill and judgment ; which having done, they, or the major part of them,

shall make return thereof, under their hands and seals, to the next term of said court, to be holden in the same county, after the said service is performed, to the end that the same may be accepted and recorded ; and the committee, so appointed, are required to estimate the said damage, and make return thereof as aforesaid. And if the estimate of the committee be accepted by the court, the clerk of said court is hereby authorized and directed, on application therefor, to issue an execution against the property only of the corporation, or for want thereof, of any individual belonging thereto, for the sum so adjudged in damages, *provided*, the same is not paid within the term of twenty days after the acceptance of said report ; and likewise for the costs of the committee, and fees of the court, both to be allowed by the court : *provided*, the sum of damages estimated by the committee exceed the sum so tendered. But, in case the proprietors actually tendered to the person complaining, before the complaint was exhibited, a sum as great as that allowed by the court in damages, then nothing to be included in the execution for costs of the committee or court ; and if any person shall find himself aggrieved by the doings of said committee, in estimating damages, application may be made to said court, at the next term thereof, in the same county, after the acceptance of such return ; and said court is hereby empowered to hear and finally determine the same by a jury ; and if the jury shall not increase the sum of damages, the person complaining shall be at the cost incurred on that occasion, to be taxed by said court, otherwise such cost and increase of damages shall be paid by said corporation, and execution shall issue therefor as before expressed. Proviso.

SECT. 8. *Be it further enacted*, That if any person or persons shall wilfully, maliciously or wantonly, and contrary to law, obstruct the water or navigation, remove, or in any way spoil, injure or destroy any of the works lawfully erected and constructed by said corporation, or any part thereof, or any thing belonging thereto, or any material used in the construction thereof, he, she, or they, and any person or persons aiding or abetting therein, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the court before whom the trial shall be had, to be sued for and recovered before any court proper to try the same, by the treasurer of said corporation, or other officer whom they may direct, to the use of said corporation ; and such offender or offenders shall be liable to indictment by the grand inquest of the county for any offence or offences against this law, and on conviction thereof, either before the supreme judicial court, or any court of common pleas, to be holden in said county, shall pay a fine, not exceeding five hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the court. Penalties for malicious injuries.

SECT. 9. *Be it further enacted*, That said corporation shall not purchase or hold any other real estate, than shall be necessary and proper to carry into effect the purposes of this act ; and

all other use and benefit of the waters of said Connecticut river, not inconsistent with the rendering the same navigable between the points aforesaid, shall remain to the Commonwealth and its citizens, as heretofore.

Corporation
may take toll.

SECT. 10. *Be it further enacted*, That as soon as said corporation shall have constructed the works before mentioned, at School Meadow bar, and have cleared the passages of the river between the mouth of Stony brook and Deerfield river, so as to permit the passage through the same of boats not less than sixty-six feet long, and fourteen feet broad, they shall, in consideration and remuneration of the expenses thereby incurred, and for the purpose of keeping the said works in repair, by their directors or otherwise, fix and establish the tolls which they shall have a right to demand, and, by their toll gatherer or other agent to collect : *provided*, that said tolls shall not exceed, for every ton weight, transported through said locks and canals, the following sums, viz : on merchandize, the growth or product of any foreign country, except salt and gypsum, fifteen cents per ton ; on salt, gypsum or plaster of paris, lumber, brick, sand, lime, iron ore, and stone, five cents per ton ; on all other articles, the product of the United States, ten cents per ton ; and for each boat fifty cents : and said corporation shall appoint toll gatherers and others, whose duty it shall be to attend the locks at all reasonable times ; and, on the toll being paid, to permit passengers with their property to pass the same.

Rates of toll.

Conditions of
this act.

SECT. 11. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the space of four years after the passing of this act, to build and complete the works aforesaid, then this act shall be void, and of no effect ; and the Legislature shall have a right to alter the rates of toll, and otherwise modify, amend or repeal this act, as they shall deem proper, after twenty years from the passage thereof : *provided*, such alteration, amendment or repeal, shall not take place till said corporation shall have been reimbursed their expenses in constructing and maintaining their works, together with six per cent. per annum interest thereon : *and provided further*, that said repeal shall not affect the corporate rights of the proprietors of the upper locks and canals on Connecticut river, in the county of Hampshire, or the proprietors of the locks and canals on Connecticut river, for the union of which corporations with the corporation hereby created, provision is herein after made ; but the same shall remain as if said union had not taken place.

Proviso.

Union of corpo-
rations.

SECT. 12. *Be it further enacted*, That the corporations, called the Proprietors of the Locks and Canals on Connecticut river, and the Proprietors of the Upper Locks and Canals on Connecticut river, in the county of Hampshire, may, by mutual agreements with each other, and with the Proprietors of the Central Locks and Canals, hereby incorporated, convey and unite, hold, exercise and enjoy, according to the provisions of the eleventh section of this act, all the rights, powers, privileges, franchises, estate, interest and corporate property, of whatever

description, as the same may exist at the time of such union, granted or belonging to said corporation, respectively to, and under the name of the Proprietors of the Central Locks and Canals on Connecticut river; and all the stockholders in each of said three corporations, on the execution of such agreement by each of said corporations, shall become stockholders in said corporation, called the Proprietors of the Central Locks and Canals on Connecticut river, on the terms mutually agreed and assented to, by each of said corporations: and thereafter, said Proprietors of the Central Locks and Canals may pass all votes, and do all acts relating to the navigation of said river, and to the rights, franchises, estate, interest and property granted or belonging as aforesaid to said corporations, or either of them, which they or either of them may, or might pass, or do, if such conveyance, agreement and union had not taken place, and shall be subject to the same liabilities, and to the same extent, as if said conveyance, agreement and union had not taken place: *provided*, that in case said corporations shall agree so to convey and unite their said rights, powers, privileges, franchises, estates, property and interest, and to hold and manage the same as herein provided, then the capital stock of this company may be increased, from time to time, to such amount as shall be necessary to cover the whole price or sums at which the said rights, powers, privileges, franchises, estates, property and interests shall be mutually agreed to be received, reckoned and united as aforesaid, and also to cover such further sums, as shall be necessary and proper for completing the improvements in the navigation of said river, within the limits and according to the terms and intention of their respective acts of incorporation, and so that boats and other floats, drawing three feet of water, may at all times pass through the same. Said capital stock not to exceed the sum of five hundred thousand dollars: *and provided further*, that no agreement for conveying and uniting said rights, powers, franchises, estates, property and interest as aforesaid, shall be valid or effectual, unless the same be authorized or ratified by a vote of each of said corporations, at a regular meeting thereof, specially called and notified for that purpose. [March 8, 1828.]

Increase of capital stock.

Limitation of capital stock.

An Act to incorporate the President, Directors and Company of the Hingham Bank.

Chap 105.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jotham Lincoln, Scarlet Hudson, William Gordon, Ensign Barnes, Junior, Benjamin Thomas, Eliphalet Loring, James Stephenson, David Whiton, Jedediah Lincoln, Daniel Basset, David Fearing, Samuel Sprague and Joseph Wilder, Junior, with their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Hingham Bank, and shall so continue, from the passing of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations,

Persons incorporated.

Powers and duties.

1811 ch. 84.	taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "an act to incorporate the president, directors and company of the State bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited : <i>provided, however</i> , that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.
Proviso.	
Capital stock, shares, &c.	SECT. 2. <i>Be it further enacted</i> , That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof in ninety days, one fourth part thereof in six months, and one fourth part thereof in nine months, and the residue in one year from the passing of this act, or at such earlier time as the stockholders, at any meeting, may direct ; and no dividends shall be declared on the capital stock of said bank, until the capital stock shall have been paid in, conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ;
Real estate.	and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain, to them, their assigns and successors, lands, tenements and hereditaments, to the amount of eight thousand dollars, and no more, at any one time, with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the president, or two of the directors, and to loan, and negotiate their monies and effects, by discounting, on banking principles, on such security as they may think advisable : <i>provided, however</i> , that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation : <i>and provided further</i> , that no monies shall be loaned, or discounts made, nor shall any bills, or promissory notes, be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars ; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been <i>bona fide</i> paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other pur-
Proviso.	
Examination and return of capital stock.	

pose, and that it is intended (herein to remain as a part of said capital, and to return a certificate thereof to the governor; and no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Hingham; and no bill or note shall be issued by said corporation, or by any person on their account, in any other place than at the said bank. Location.

SECT. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate, not exceeding five per centum per annum: *provided, however*, that the Commonwealth shall never stand indebted to said corporation without their consent, for a larger sum than twenty per centum of their capital then paid in. Loans to the Commonwealth.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place, as they may see fit to appoint, by advertising the same in the Hingham Gazette, printed in Hingham, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers, as they shall see fit to choose: *provided*, such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth; and a majority of the directors shall be inhabitants of the town of Hingham. First meeting.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, therefor, to subscribe, on account of the Commonwealth, a sum, not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall be by the Legislature made and established. Commonwealth may subscribe to capital stock.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors, to said bank, in proportion as the sum paid from the treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right. Legislature may appoint additional directors.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the board of directors, in a Cashier shall give bonds.

sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

SECT. 9. *Be it further enacted*, That the said corporation shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of capital stock, which shall have actually been paid in.

Corporation liable to pay original amount of altered notes.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay, to any *bona fide* holder, the original amount of any note of said bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay, to any *bona fide* holder, the amount of any note of said bank counterfeited, excepting such note is printed, or impressed with the stereotype plate; and said corporation shall not, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Capital stock not transferable for one year.

SECT. 11. *Be it further enacted*, That the capital stock of said bank, or any part of it, shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Legislative examination.

SECT. 12. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [March 8, 1828.]

Chap 107. AN ACT to incorporate the President, Directors and Company of the Hamilton Bank.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Appleton, Eben. Francis, John Bryant and John A. Lowell, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Hamilton Bank, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled "an act to incorporate the President, Directors and Company of the State Bank," except in so

Powers and duties.

1811 ch. 84.

far as the same are modified or altered by this act, as fully and effectually, as if the several sections of said act, were herein specially recited and enacted : *provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of capital stock actually paid in. Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as the Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof, on or before the first day of May next ; one fourth part thereof, on or before the first day of August next ; one fourth part thereof, on or before the first day of November next, and the residue, on or before the first day of February next : and no dividend shall be declared on the capital stock of said bank, until the said sum of five hundred thousand dollars shall have been paid in, conformably to the provisions of this act : and the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the president or two of the directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security, as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate, in mortgage or on execution, to any amount, as security for, or in payment of any debts due to said corporation : *and provided, further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to two hundred and fifty thousand dollars, nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, who duty it shall be at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain, as a part of said capital, and to return a certificate thereof to the governor : and no stockholder shall be allowed to borrow any Capital stock, shares, &c.

Real estate.

Proviso.

Examination and return of capital stock.

money at said bank, until he shall have paid in his full proportion of the first moiety of said capital stock, as herein before provided and required.

Bank to be kept
in Boston.

SECT. 3. *Be it further enacted* That said bank shall be established and kept in Boston, and no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, in any other place than at the said bank.

Loans to the
Common-
wealth.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation without their consent, for a larger sum than twenty per centum of their capital then paid in.

First meeting.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, not repugnant to the constitution and laws of this Commonwealth, for the orderly conducting of the affairs of said corporation, as the stockholders may deem necessary, and the choice of the first board of directors, and such other officers as they may see fit to choose.

Commonwealth
may subscribe
to capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established.

Commonwealth
may appoint di-
rectors.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Cashier to give
bond.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the board of directors, in a sum not

less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office.

SECT. 9. *Be it further enacted*, That the said corporation, Tax. from and after the first day of October next, shall pay by way of tax to the treasury of this Commonwealth, for the use of the same, within ten days after the first Monday in October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay, to any *bona fide* holder, the original amount of any note of said bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration. Corporation liable to pay original amount of altered notes.

SECT. 11. *Be it further enacted*, That no part of the capital stock of the said bank shall be sold or transferred, but shall be holden by the original subscribers thereto for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void. Stock not to be transferred for one year.

SECT. 12. *Be it further enacted*, That said corporation shall be holden to pay to any *bona fide* holder, the amount of any note of said bank counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate; and that said corporation shall not at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note. Notes to be printed on stereotype plate.

SECT. 13. *Be it further enacted*, That any committee especially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and have free access to all their books and vaults; and if upon such examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [March 10, 1828.] Legislative examination.

An Act relating to the Public Records in the County of Barnstable.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall be the duty of the selectmen of each of the towns in the county of Barnstable, to cause to be fairly recorded in books, to be furnished them as herein after mentioned, all deeds for the conveyance of any real estate, or any interest therein, lying in their town, which shall be brought to them for that purpose, within nine months from the passing of this act, and which bear date not more than forty years since, and have been once recorded in the registry of deeds of said county, be-

Chap108.

Selectmen shall cause deeds to be recorded, &c.

fore the twenty-third day of October, last past; and shall also cause to be recorded with each deed, the certificate of the register of deeds which is thereon; and the said selectmen shall cause to be made alphabetical lists of the names of the grantors and grantees in such deeds, with proper references to the pages or leaves of the books where the same are recorded, in such manner as the county commissioners of said county shall direct; and the said records and lists shall be completed by the first day of May, one thousand eight hundred and twenty-nine, and within one month thereafter shall be transmitted to, and deposited in the office of the register of deeds of said county, there to remain; and the records of such deeds, made as aforesaid, shall be as effectual in law, and may be used for the like purposes as the first records thereof might have been, if they had not been destroyed by fire.

Town register
to be chosen.

SECT. 2. *Be it further enacted*, That the inhabitants of each of said towns, qualified to vote, shall, at some legal meeting, holden for that purpose, in April or May next, choose some suitable person for a town register of deeds, who shall, under the superintendence of the selectmen, make the records and lists which are by this act required to be made, and shall certify, under his hand, on each deed, in what book and leaf or page thereof he has recorded the same; and if the person so chosen shall refuse to accept the said office, or if said office shall at any time become vacant, by the death, resignation or removal of any register, before the service aforesaid is completed, the selectmen shall appoint some other suitable person to fill his place.

Duty of county
commissioners.

SECT. 3. *Be it further enacted*, That it shall be the duty of the county commissioners of said county, as soon as may be after the passing of this act, to furnish the said selectmen, at the expense of the county, with proper books for the aforesaid purposes, to be numbered and marked in such manner as said commissioners shall direct; and the said commissioners, when the said records and lists are completed to their satisfaction, and deposited as aforesaid, shall allow to each of said towns the sum of twelve and an half cents for each deed so recorded, to be paid out of the county treasury of said county, for the use of the person or persons who did the service.

Register of
deeds, his duty.

SECT. 4. *Be it further enacted*, That whenever any deed shall be brought to the register of deeds of said county to be recorded, and it shall appear, by the certificate of registry thereon, that it has been once recorded in his office, before the twenty-third day of October, last past, he shall record the same for his proper fees, without demanding or receiving any duty thereon for the county. [March 10, 1828.] Add. act, 1828 ch. 40.

An ACT to incorporate the President, Directors and Company of the Greylock Bank. *Chap* 109.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Moses Wolcott, Daniel Brown, Daniel Corman, Levi Mason, N. R. Wolcott, Thomas Robinson, Zelatis Richmond, Isaac Howland, Josiah Q. Robinson, Daniel Smith, Samuel Jenks, Samuel Bowen, R. R. Briggs, John Wells, Elisha Burlingham, David Anthony, Jr., Henry Jenks, Geo. Whitman, Giles Tinker, E. W. Whitaker, and James Cumming, with their associates, successors, and assigns, be, and hereby are, created a corporation, by the name of the President, Directors and Company, of the Greylock Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, provisions, and taxes, and be entitled to the same rights, privileges and immunities, as are contained in an act, entitled "an act to incorporate the president, directors and company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited and enacted: *provided however*, that the amount of bills issued from the said bank, shall not, at any one time, exceed the amount of the capital stock, actually paid in: *and provided further*, that the number of directors, to be annually chosen, shall be nine, and who shall be inhabitants of, and residents within, the county of Berkshire, and shall be accountable for the doings of the whole board, any five of whom may constitute a quorum for the transaction of business.

Persons incorporated.

Powers and duties.

1811 ch. 34.

Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, beside such part as this Commonwealth may subscribe, in the manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following, that is to say, one fourth part thereof on or before the first day of July next, and one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of January next thereafter, and the residue on or before the first day of July next thereafter; and no stockholder shall be allowed to borrow any money at said bank until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and no dividend shall be declared on the capital stock of said bank, until the whole of the said stock shall have been paid in conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered on the books of the corporation, shall be binding on the stockholders, their succes-

Capital stock, shares, &c.

Real estate.

sors, and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose, and convey the same by deed, under the seal of the said corporation, and signed by the president or two of the directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debt due to the said corporation : *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until the said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the said corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that the said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain as part of the said capital stock, and to return a certificate thereof to the governor.

Examination
and return of
capital stock.

Loans to the
Common-
wealth.

SECT. 3. *Be it further enacted*, That, whenever the Legislature do require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the stock actually paid in at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to the said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

First meeting.

SECT. 4. *Be it further enacted*, That the persons herein before named, or any three of them, are hereby empowered to call a meeting of the members and stockholders of the said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same, three weeks successively, in any two newspapers printed in the county of Berkshire, for the purpose of making and ordaining such by-laws and regulations, not repugnant to the constitution and laws of this Commonwealth, for the orderly conducting the affairs of the said corporation, as the stockholders may deem necessary, and for the choice of the first board of directors, and such other officers as they may

see fit to choose and appoint. And the cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier shall give bond.

SECT. 5. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of the said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the Legislature, made and established.

Commonwealth may subscribe to capital stock.

SECT. 6. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of the corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth, shall bear to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right.

Legislature may appoint directors.

SECT. 7. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay any *bona fide* holder, the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate.

Corporation liable to pay original amount of altered notes.

SECT. 8. *Be it further enacted*, That the said corporation, Tax. from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use thereof, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SECT. 9. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the passing of this act ; and in case the said bank shall not be put into operation, according to the provisions thereof, within the year aforesaid, then this act shall be void.

Stock not transferable for one year.

SECT. 10. *Be it further enacted*, That said bank shall be established and kept in the town of Adams ; and no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, in any other place than at the bank aforesaid ; and said corporation shall not, at any place, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Location.

SECT. 11. *Be it further enacted*, That any committee,

Legislative examination. specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and have free access to all their books and vaults ; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined, by the Legislature, that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall, thereupon, be declared to be forfeited and void. [*March 10, 1828.*]

Chap 110.

An ACT to incorporate the President, Directors and Company of the Brighton Bank.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thaddeus Baldwin, Munnis Kenney, Benjamin Sargeant, Stephen Stone, James Greenwood, Elijah White, Jr., Benjamin Holton, Samuel Brooks, Moses G. Benjamin, Stutely Burlingame, and Charles Heard, their associates, successors and assigns, be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Brighton Bank, and shall so continue from the passage of this act, until the first Munday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the president, directors and company of the State Bank ;” except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted : *provided, however,* that the amount of bills issued from said bank at any one time, shall not exceed the amount of the capital stock actually paid in.

Powers and duties.

1811 ch. 81.

Proviso.

Amount of capital stock, shares, &c.

[Time extended, 1828 ch. 15.]

Real estate.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred and fifty thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times as the stockholders may direct, fifty per centum, however, to be paid in on or before the first day of June next, and the residue within one year from the passing of this act ; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors, and assigns, lands, tenements, and hereditaments, to

the amount of ten thousand dollars and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed under the seal of said corporation, and signed by the president or two of the directors, and to loan and negotiate their monies and effects by discounting, on banking principles, on such securities as they may think advisable : *provided, however,* that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation : *and provided, further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver, in the vaults, shall amount to fifty thousand dollars ; nor until said capital stock actually in said vaults, shall have been inspected and examined by three commissioners to be appointed by the governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor : and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Proviso.

Examination
and return of
capital stock.

SECT. 3. *Be it further enacted,* That the said bank shall be established and kept in the town of Brighton ; and the whole number of directors shall be nine, and a majority of the board shall be inhabitants of said town ; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said bank.

Bank to be kept
in Brighton.

SECT. 4. *Be it further enacted,* That, whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however,* that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Loans to the
Common-
wealth.

SECT. 5. *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two newspapers printed in Boston, for the purpose of making, ordaining and establishing

First meeting.

such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

Commonwealth
may subscribe
to capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature
may appoint
additional di-
rectors.

SECT. 7. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right.

Cashier's bond.

SECT. 8. *Be it further enacted*, That the cashier of said bank, before he enters upon the duties of his office, shall give bond, with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax to the treasury of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock actually paid in.

Corporation lia-
ble to pay origi-
nal amount of
altered notes.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder the original amount of any note of said bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be holden to pay, to any *bona fide* holder, the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation, shall be printed or impressed with the stereotype plate : and that said corporation shall not, at any place whatever, directly or indirectly purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in said bill or note.

Stereotype
plate.

Condition of
this act.

SECT. 11. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Stock not to be
transferred for
one year.

SECT. 12. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act.

SECT. 13. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults ; and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [*March 10, 1828.*] Add. act, 1828 ch. 15. Repealed, 1829 ch. 105. See 1833 ch. 174 : 1834 ch. 88.

Legislative examination.

An Act in addition to an Act entitled "An Act to incorporate the Boston Chemical Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston Chemical Company are authorized and empowered to establish their mill and laboratory in the town of Newton, in the county of Middlesex, instead of the city of Boston, and that the clause in said act directing the same to be located in the city of Boston, be and is hereby repealed. [*March 10, 1828.*]

Chap 111.

1827 ch. 53.

Location altered.

An Act in addition to an Act entitled "An Act to incorporate the President, Directors and Company of the Mechanics' and Traders' Bank in Salem."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time be granted to said corporation for paying in their capital stock, and that the same may be paid in at such time or times as said corporation shall direct : *provided*, that one hundred thousand dollars thereof be paid into said bank in specie, and the bank be put into operation according to the original charter, on or before the first day of July next, and the remainder within six months thereafter. [*March 10, 1828.*]

Chap 112.

Further time granted for paying in capital stock.

An Act in addition to "An Act to incorporate the President, Directors and Company of the Gloucester Bank."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Gloucester Bank, be, and they hereby are authorized to increase their present capital stock, by an addition thereto of the sum of thirty thousand dollars, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, and shall be so disposed of, as a majority of the stockholders, at any legal meeting, may direct and determine : *provided, however*, that the whole amount thereof, that may be determined on by a majority of the stockholders, at any legal meeting, shall be paid in within one year from the passing of this act.

Chap 113.

1812 ch. 43.

May increase capital stock.

[See 1812 ch. 43, and 1830 ch. 58.]

Proviso.

SECT. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the present capital stock of said corporation is now liable to, by virtue of the act to which this is in addition. [*March 10, 1828.*] Add. acts, 1830 ch. 58 : 1832 ch. 60.

Additional stock liable to tax, &c.

Chap 114. An Act for the better regulation, instruction and government of the Indians and People of Colour in the County of Dukes County.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That his excellency the governor, with the advice and consent of the council, be, and he hereby is authorized to appoint three commissioners, who shall meet in the month of March or April next, and shall have power to make partition of the lands belonging to the Indians and people of colour, inhabitants of the Island of Chapequiddic, in Dukes county, reserving such part thereof for the support of the poor as they may deem necessary, and the same to divide and apportion among said Indians and people of colour, in such quantities as they shall deem just and proper, regard being had to the rules of birth-right and descent established among said Indians and people of colour, and to those rights which individuals and families may have acquired by virtue of a possession and improvement; and the partition and apportionment so made being recorded in the registry of deeds for said county, shall be valid and effectual to vest in said Indians and people of colour a fee simple in their respective shares: *provided, always,* that any wood-land, peat-land, mines, quarries or clay-pits, may continue to be held in common as heretofore, or may at any time be divided, at the request of a majority of said Indians and people of colour, by the guardian and overseers herein after provided.

SECT. 2. *Be it further enacted,* That the governor, with the advice and consent of the council, shall appoint a good and discreet man, who is or may be appointed a justice of the peace, to be guardian of said Indians and people of colour, and he shall hold the office of guardian during the term of four years, and before entering upon the execution of the trust, shall give a bond to the judge of probate of Dukes county, in the penal sum of one thousand dollars, with a sufficient surety or sureties, conditioned for the faithful discharge of the trust committed to him, and the duties enjoined upon him.

SECT. 3. *Be it further enacted,* That said Indians and people of colour shall, in the month of March or April annually, meet at such time and place as said guardian shall direct, by a written notice, posted up at their meeting-house or school-house, seven days at least before the time of said meeting, which notice shall contain a list of the matters and things to be acted upon at said meeting; and it shall be the duty of said guardian to be present and preside in said meeting; but in case of his unavoidable absence, said Indians and people of colour may choose a moderator, and may then proceed to choose a clerk, who shall be sworn before a justice of the peace to keep a faithful record of all the votes passed, in that, and in all other town meetings of said Indians and people of colour, during the year, and until another clerk be chosen and sworn in his stead; and the said Indians and people of colour may next proceed to choose two or more good men, either of the neighboring white inhabitants, not

Commissioners to be appointed to make partition of lands.

Proviso.

Guardian to be appointed and give bond.

Annual meeting.

Choice of officers.

proprietors of lands adjoining the lands of said Indians, or of the most sober, discreet and well educated of their own number, for overseers; and they may also choose a constable, field driver, pound keeper, and other town officers whom they may deem necessary, who shall be sworn to the faithful discharge of the duties of their respective offices; and it shall be the duty of said constable, field driver, pound keeper and other town officers, to carry into execution the laws of this Commonwealth, within the territory of said Indians and people of colour, as amply as the like officers, chosen by the several towns in this Commonwealth, are by law enabled to do within their respective towns.

SECT. 4. *Be it further enacted*, That the following powers and duties be vested in, and enjoined upon the said guardian: Duties of guardian.
 1st. To settle all accounts and controversies among the said Indians and people of colour, and between them and the neighbouring white inhabitants. 2d. To institute in his own name, or in the name of any Indian or person of colour, any action or actions for the recovery of any debt due, or other property belonging to said Indians and people of colour, or for any fraud or injury committed upon them or their property. 3d. To punish, by fine not exceeding twenty dollars, or by solitary imprisonment not exceeding twenty days, any trespasses, batteries, larcenies under five dollars, gross lewdness and lascivious behaviour, and disorderly and riotous conduct, and for the sale of spirituous liquors within the territory, or on the lands of said Indians and people of colour; and said guardian, or other justice of the peace, may issue his warrant, directed to the constable of said Indians and people of colour, or other proper officer, to arrest, and bring before him, any offender against the provisions of this act; and after judgment, he may order execution to be done by said constable or other proper officer; and if said guardian, or other justice of the peace, shall adjudge any offender to solitary imprisonment, such offender shall not, during the term of said imprisonment, be visited by, or allowed to speak with, any person other than the jailer, or said guardian or justice of the peace, or such other person as said guardian or justice of the peace shall specially authorize thereto; nor shall such offender be allowed any food or drink other than coarse bread and water, unless sickness shall, in the opinion of a physician, render other sustenance necessary; and said guardian, or other justice of the peace, shall keep a fair record of his proceedings; and any person aggrieved at the sentence given against him by said guardian, or other justice of the peace, may appeal therefrom to the next court of common pleas, to be holden in said county, according to the laws regulating the powers of justices of the peace in criminal cases. 4th. To grant licenses to such of said Indians and people of colour as shall, by industry, sobriety and correct conduct, entitle themselves to the privilege, to make contracts generally, and in particular to purchase real estate, in such quantity, and at such price, in case it be purchased of said Indians

Duties of guardian.

and people of colour, as said guardian and overseers may approve. 5th. To be treasurer of said Indians and people of colour. 6th. To settle and adjust all accounts with former guardians, and to receive from them any monies or other property belonging to said Indians and people of colour, and with the approbation of the overseers to pay any balance which may be justly due to said guardians. 7th. To keep accurate and regular accounts of all receipts and disbursements on account of said Indians and people of colour, and annually, on or before the last day of December, to file a copy thereof in the office of the secretary of this Commonwealth, for the inspection of his excellency the governor, and also a copy in the office of the judge of probate of Dukes county, for his inspection and approval; and at the annual meeting of said Indians and people of colour for the choice of officers, or any other town meeting which it shall be his duty to call at any time, on the request of the overseers, he shall exhibit his said accounts, and if required shall give explanations touching the same; and if said Indians and people of colour shall be of opinion that said guardian has been guilty of any unfaithfulness or fraud in the execution of his said trust, they may represent the same to the judge of probate of Dukes county, who shall hear the parties, examine the case, and if he shall be of opinion that said representation is true, he shall lay the same before his excellency the governor, who shall direct a suit to be instituted in the name of the Commonwealth against said guardian on his said bond. 8th. To reserve such part of the wages or profits of any voyage or voyages of said Indians and people of colour, for the support of their families, as the said guardian may think proper; and the master or owners who shall employ said Indians and people of colour in any voyage or voyages, shall be holden to the due payment of any sum or sums so reserved, and no payment made to said Indians or persons of colour by such master or owners, shall be a bar to the recovery of any sum or sums so reserved. 9th. To lease out any common lands, mines, quarries, clay-pits, fisheries, or other common property, and to receive, to the use of said Indians and people of colour, the rents and profits thereof. 10th. To remove all strangers and intruders, who shall, without right, enter and reside upon the lands of said Indians and people of colour; and every person so entering and residing, who shall refuse, on the request of said guardian to withdraw from the same, shall be removed, together with his or her family from said lands, by a warrant to be issued by the guardian or any justice of the peace, on the complaint of the overseers; and if the person so removed shall return with intent to reside, he shall, on conviction thereof, before any justice of the peace, be punished by fine not exceeding twenty dollars, or by imprisonment not exceeding twenty days. 11th. To bind out to service, for a term not exceeding one year, if the service is to be performed on land, and the term of one voyage, if the service is to be performed at sea, habitual drunk-

ards, vagabonds and idlers, and the earnings of such persons to receive and apply to the support of his or her family, or to the use of said Indians and people of colour generally, as said guardian and overseers may think proper. 12th. To bind out poor children with the consent of the overseers, according to the laws of this Commonwealth. 13th. To prosecute any person who shall sell to said Indians and people of colour any spirituous liquor, contrary to law. 14th. To enter upon, or, with the approbation of the court of common pleas in Dukes county, in the name of the Commonwealth, to institute suits to recover any lands, tenements or hereditaments taken or detained from any Indians and people of colour in said county, by means of abatement, intrusion, disseizen, deforcement, fraud, or by colour of any gift, grant, bargain or sale by said Indians or people of colour, or their guardians, in contravention of the laws of this Commonwealth; and said lands, tenements or hereditaments, when recovered by said guardian, may be sold at public vendue, ten days notice thereof being first given by posting up the same at some public place in the town of Edgartown; and the proceeds of such sale shall be paid over in sums at the discretion of said guardian and overseers to the person or persons who are lawfully entitled to the same, and in default of such persons, into the treasury of the Commonwealth, to be invested in such manner, as the treasurer of the Commonwealth shall deem best, and to form, together with such additions, as may from time to time be made thereto, a permanent fund for the support of Indian schools and paupers, to be called the Indian School and Pauper Fund. 15th. To disburse monies to said Indians and people of colour, according to the votes of said guardian and overseers in those cases where a joint vote is by this act required, and according to the best of his judgment and discretion in all other cases, he keeping, and annually rendering an accurate account of the same, as herein before provided. 16th. To return to the office of the judge of probate of Dukes county, and to that of the secretary of the Commonwealth, as soon as may be practicable after his appointment, and as often afterwards as he may be required, complete inventories of all the property real and personal belonging to the Indians over whom he shall be appointed.

Duties of guardian.

SECT. 5. *Be it further enacted*, That the following powers and duties be, and they hereby are, vested in and enjoined upon the said guardian and overseers jointly. 1st. To regulate the police of said Indians and people of colour. 2nd. To assess and levy taxes which shall be collected by the constable of said Indians and people of colour in pursuance of a warrant from said guardian. 3d. To provide for the instruction of youth, and to determine the appropriations for that purpose, to employ instructors, to visit and examine the schools. 4th. To provide for the support of the poor. 5th. To perambulate the lines between the lands of said Indians and people of colour, and the towns which join thereon. 6th. To prohibit, as far as they shall think proper, the intercourse between said Indians and people of

Joint powers and duties of guardian and overseers.

colour, and persons belonging to any whaling or other ship, fishing boat or any other water craft whatsoever, and for this purpose, to commission, employ and pay as many constables as they may deem necessary to enforce such order as they may establish in this behalf.

Indians not to alienate lands.

SECT. 6. *Be it further enacted*, That said Indians and people of colour shall not be capable of alienating, by deed or otherwise, their lands, or any part thereof, except in cases in which authority for that purpose is given by this act, nor shall the same be subject to attachment by writ or in execution issued on any demand or judgment against the proprietors thereof.

Contracts made after the passing of this act.

SECT. 7. *Be it further enacted*, That, from and after the passing of this act, no promise made, nor contract entered into by any of said Indians and people of colour, shall be valid in law, unless the same shall be made or entered into with the written consent of said guardian ; and no action hereafter brought upon any promise or contract made or entered into without such written consent, shall be sustained in any court of law : nor shall any action in which any of said Indians or people of colour shall be plaintiffs, be sustained, unless the original writ be endorsed by said guardian ; and this act may be given in evidence, in all such actions, under the general issue : *provided, always*, that nothing contained in this section shall be construed to exempt any person or persons to whom license may have been granted under the fourth section of this act, from suing and being sued, pleading and being impleaded, in any court, in the same manner as the citizens of this Commonwealth.

Proviso.

Penalty for selling spirituous liquor to Indians after notice from guardian.

SECT. 8. *Be it further enacted*, That said guardian shall give written information to all taverners and retailers within said county, of such Indians and people of colour, as may be addicted to idleness, vagrancy, and the excessive drinking of spirituous liquors ; and, if any taverner or retailer shall, after the receipt of such information, sell any spirituous liquors to any Indian or person of colour, of whom he shall have been so informed as an idler, vagrant or drunkard, then such taverner or retailer, shall forfeit and pay for every offence, the sum of ten dollars, to be recovered by action, or on complaint before any justice of the peace, and to be received by said guardian to the use of said Indians and people of colour.

Pound.

SECT. 9. *Be it further enacted*, That there shall be erected, and maintained by the guardian and overseers at the common expense, in such place on the lands of said Indians, as said guardian and overseers shall direct, a pound, which shall be used for like purposes, and in like manner as town pounds may be, by the laws of this Commonwealth.

Proceedings in cases of bastardy.

SECT. 10. *Be it further enacted*, That, whenever any woman of said Indians and people of colour, shall be delivered of a bastard child, or shall be pregnant of a child, which, if born alive, would be a bastard, the guardian or other justice of the peace, upon complaint against any man as the father of such

bastard child, shall proceed according to the act for the punishment of fornication, and the maintenance of bastard children.

SECT. 11. *Be it further enacted*, That this act shall be taken and construed to extend to the Indians and people of colour at Christiantown, whose lands shall be divided and apportioned by the said commissioners, in the same manner as is herein provided for the partition of lands at Chappequiddic, and as soon after the completion of that partition, as may be practicable : and said Indians and people of colour at Christiantown may choose their own overseers and other officers, and do all other things which by this act the Indians and people of colour at Chappequiddic may do ; and whenever the Indians and people of colour at Gayhead shall, by a vote in town meeting, accept this act, and shall transmit to his excellency the governor an attested copy of said vote, then his excellency may authorize said guardian to act as guardian of the Indians and people of colour at Gayhead ; and may, upon their request, appoint suitable persons to make partition of the Indian lands at Gayhead, in the same manner as is herein provided for the partition of lands at Chappequiddic and Christiantown.

Act extended to
Indians at
Christiantown,
&c.

SECT. 12. *Be it further enacted*, That there be allowed and paid to said guardian, out of the treasury of the Commonwealth, the annual salary of one hundred dollars, for his services as guardian of the Indians and people of colour, at Chappequiddic and Christiantown ; and if he shall be authorized by his excellency the governor to act as guardian of the Indians and people of colour at Gayhead, then he shall receive such additional sum, not exceeding one hundred dollars annually, as his excellency the governor, with the advice and consent of the council, may determine.

Salary of
guardian.

SECT. 13. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same hereby are repealed. [March 10, 1828.] Add. act, 1830 ch. 96.

Repeal.

An ACT to change the names of the several persons therein described.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the several persons herein named shall be called and known by the names they are hereby respectively allowed to assume, and the same shall be deemed their only proper and legal names, viz : That Joseph Dowding Bass Eaton may take the name of Joseph Bass Eaton ; that George Watson Patrick may take the name of George Watson ; that Henry Augustus Emery Humphrey, a minor son of George Humphrey, may take the name of Henry Smith Humphrey ; that Samuel Smith may take the name of Samuel James Hall Smith ; that William C. Johnson may take the name of William Johnson Cochrane ; that Nathaniel Russell Sturgis, jr., may take the name of Russell Sturgis ; that Elizabeth Palfrey may take the name of Elizabeth Cazneau Palfrey ; that George

Chap 115.

Names changed.

Suffolk.

Dodd may take the name of George William Dodd ; that Mc Cray Cutter may take the name of Thomas Mc Cray Cutter ; that Prince Freeman, Junior, may take the name of Henry Prince Freeman ; that Betsey Olivey Lane may take the name of Elizabeth Olivey Lane ; that Maxey Hall may take the name of Francis Maxey Hall ; that Theophilus Bradbury may take the name of Theophilus Washington Bradbury ; that Albent Smith may take the name of Albent William Smith ; that Thomas Ham may take the name of Thomas Ham Grenville ; that Francis Bigelow may take the name of Francis Rufus Bigelow ; and that Edwin Fullerton may take the name of James John Fullerton,—all of the city of Boston, in the county of Suffolk ;—

Essex. that Amos Smith, Junior, of Salem, may take the name of Amos F. Smith ; that William Balch, Junior, of Bradford, may take the name of William Henry Balch ; that Sarah Tenny, of Bradford, may take the name of Sarah De Tenny ; that Hannah Ordway, of Bradford, may take the name of Hannah Dorothy Annis ; that John Nichols, of Salem, a minor son of George Nichols, may take the name of John H. Nichols ; that Jonathan Kimball, a minor son of John Kimball, of Andover, may take the name of Charles Kimball ; that John Richardson, Junior, of Bradford, may take the name of John Pierce Richardson ; and that Timothy Abbot, of Andover, may take the name of Sereno Timothy Abbot,—all of the county of Essex ;—that William Hickox, of Weymouth, may take the name of William Harrington ; that Catharine Otis Farnsworth, of Weymouth, may take the name of Catharine Jane Delap Otis Farnsworth ; that James Barker, of Franklin, may take the name of James Adams ; that Abby Hayden Heath, of Brookline, may take the name of Abby Louisa Hayden Heath ; that Almira Penniman, of Brookline, may take the name of Almira Cornelia Penniman ; that Willis George Daniels, of Franklin, may take the name of George Willis Daniels ; and that George Peck, of Braintree, may take the name of George Batcheller Peck,—all of the county of Norfolk ;—

Norfolk. that William Goddard Babcock, of Northborough, may take the name of William Goddard Emerson ; that Rufus Dodge, of Leicester, may take the name of Rufus Dexter ; that Sarah Dodge, wife of said Rufus, may take the name of Sarah Dexter ; that Lucy Gilbert Dodge, a minor daughter of said Rufus, may take the name of Lucy Gilbert Dexter ; that Lyman Cranch, of Bolton, may take the name of Charles Augustus Lyman ; that Joanna Allen, of Uxbridge, may take the name of Joanna Spring ; that John C. Allen, a minor son of said Joanna, may take the name of John C. Spring ; that Lavinia Ferguson, an adopted daughter of Benjamin Butman, of Worcester, may take the name of Sally Lavinia Butman ; that Jedediah Easterbrook, Junior, of Rutland, may take the name of Joel Easterbrook ; that Azubal Partridge Gardner, of Bolton, may take the name of Ellen Partridge Gardner ; and that George Julius Dodge, an adopted son of Asa Putnam, of Sutton, may take the name of George Julius Putnam,—all of the county of Worcester ;—that Solomon S.

Worcester.

Middlesex.

Rice, of Cambridge, may take the name of Henry Solomon Sibley Rice ; that Lovett Walker, of Holliston, may take the name of Charles Gibbs Walker ; that Mark Newcomb, of Charlestown, may take the name of Mark Winchester ; that Isaac Austin, of Charlestown, may take the name of Arthur Williams Austin ; that Suzau Fiske Manson, of Framingham, may take the name of Susau Fiske Manson ; that Sarah Hazen, of Shirley, may take the name of Sarah Hazen Parker ; that William Francis Cotting, of West Cambridge, a minor son of William Cotting, may take the name of William Wallace Cotting ; and that William Hovey, of Cambridge, may take the name of William Bowles Hovey,—all of the county of Middlesex ;—that James Sever, Junior, of Kingston, may take the name of James Nicholas Sever ; and that Zoroaster Edson, of West Bridgewater, may take the name of Henry Edson,—both of the county of Plymouth ;—that Job Cash Orchard, of Northampton, may take the name of Josiah Curtis Orchard ; that Olcott Taylor, of Norwich, may take the name of Charles Bizzell Taylor ; that Amasa Wade, of Northampton, may take the name of Amasa Dwight Wade ; that Patrick Slate, of Northampton, may take the name of George Austin Slate ; and that Royal Packard, of Cummington, may take the name of Royal Lewis Packard,—all of the county of Hampshire ;—that George Appleton Gold, a minor son of Thomas A. Gold, of Pittsfield, in the county of Berkshire, may take the name of Nathan Appleton Gold ; that Joseph Smallidge, Junior, of Shutesbury, in the county of Franklin, may take the name of Joseph Lucian Smallidge ; and that Gilbert Richmond Lawless, of New Bedford, in the county of Bristol, may take the name of Gilbert Richmond. [March 11, 1828.]

An Act in addition to an Act, entitled "An Act for incorporating certain persons for the purpose of building a bridge over Merrimack River, between the towns of Haverhill and Newbury in the county of Essex, and for supporting the same."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of said bridge may rebuild the same upon the old foundations of the bridge, erected in pursuance of the act to which this is in addition, of the following dimensions and height, viz : that part of the bridge which is to extend from the abutment on the Haverhill side of said river, to the first draw pier, shall be built twenty-two feet above common high water, and the remaining parts of said bridge shall be built twenty feet above common highwater, and the whole length of the same shall be twenty-two feet wide : *provided, however,* that the proprietors of said bridge shall make a draw or passage way for vessels, at least thirty-six feet wide, which shall be opened at all times on demand, at the expense of the proprietors, for the accommodation of such vessels as cannot conveniently pass under said bridge.

SECT. 2. *Be it further enacted,* That all laws now in force upon this subject, which are inconsistent with the provisions of this act, be and the same are hereby repealed. [March 11, 1828.]

Chap 117.

1794 ch. 3.
(v. 1. p. 523.)
1795 ch. 64.
(v. 2. p. 69.)
1810 ch. 107.
1812 ch. 1.

Proprietors
may rebuild
bridge.

Proviso.

Repeal.

Chap 120.

An ACT to incorporate the Proprietors of the Stockbridge Academy.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Cyrus Williams, David D. Field, Edward Bunall, Henry W. Dwight, Theodore Sedgwick, their associates, successors and assigns, be, and they hereby are constituted a body corporate, by the name of the Proprietors of the Stockbridge Academy, and, by that name, shall have power to make contracts, to sue and be sued, to have a common seal, to take, by deed or otherwise, real and personal estate, the annual income of which shall not exceed the sum of five thousand dollars, to make all lawful and necessary rules and by-laws for the management of said corporation, and to appoint all proper officers for said institution, and to define their powers, duties and liabilities.

SECT. 2. *Be it further enacted,* That the funds of said corporation shall be divided into shares of ten dollars each ; and each proprietor shall be entitled to one vote for each share ; and the first meeting of said proprietors shall be called by Cyrus Williams, who shall give notice of the time and place of said meeting in some newspaper printed in the county of Berkshire, ten days at least previous thereto ; and the Legislature may at any time alter or repeal this act. [March 11, 1828.]

Chap 121.

An ACT to incorporate the President, Directors and Company of the India Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Lee Child, Robert Farley, Le Baron Putnam, Ralph Huntington, and Francis W. Dana, be, and they hereby are, created a corporation, by the name of the President, Directors and Company of the India Bank, and shall so continue until the first Monday in October, in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the president, directors and company of the State Bank,” except so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted : *provided, however,* that the amount of bills issued from said bank, at any one time, shall not exceed the amount of capital stock actually paid in.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, to wit : one fourth part thereof on or before the first day of June next, one fourth part thereof on or before the first day of September next, one fourth part thereof on or before the first day of December next, and the remaining part thereof, within three months thereafter ; and no dividend shall be declared on the capital stock of said bank, until the whole of said

Persons incor-
porated.

Real and per-
sonal estate.

Shares.

First meeting.

Persons incor-
porated.

Powers and
duties.

1811 ch. 84.

Proviso.

Amount of cap-
ital stock,
shares, &c.

[Time extend-
ed, 1828 ch. 22.]

stock shall have been paid in, conformably to the provisions of this act : and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more at any one time, with power to sell and convey the same by deed, under the seal of said corporation, and signed by the president, and two of the directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable : *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to said corporation : *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to two hundred and fifty thousand dollars ; nor until said capital stock actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the money actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and for no other purpose, and that it is intended therein to remain as a part of said capital ; and to return a certificate thereof to the governor ; and no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before required.

Real estate.

Proviso.

Examination
and return of
capital stock.

SECT. 3. *Be it further enacted*, That said bank shall be established and kept in Boston, and no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, at any other place than at said bank.

Bank to be kept
in Boston.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum which shall be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable in five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall not stand indebted to the said corporation, without their consent, for a

Loans to the
Common-
wealth.

larger sum than twenty per centum of their capital stock then paid in.

First meeting.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and of such other officers as they shall see fit to choose.

Commonwealth may subscribe to capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established.

Legislature may appoint directors.

SECT. 7. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in the proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank.

Number of directors.

SECT. 8. *Be it further enacted*, That the number of directors to be annually chosen shall be nine, five of whom shall constitute a quorum for the transaction of business ; and the cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the board of directors, in a sum not less than fifty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Cashier to give bond.

Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the treasury of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of capital stock which shall have been paid in.

Corporation liable to pay original amount of altered notes.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration : and shall also be holden to pay to any *bona fide* holder, the amount of any note counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate ; and said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act; and in case the same shall not be put in operation, according to the provisions thereof, within the year aforesaid, it shall be void.

SECT. 12. *Be it further enacted*, That any committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such an examination it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that said corporation have exceeded the powers granted them, or failed to comply with any of the rules, restrictions and conditions provided in the laws relating to them, their charter thereupon may be declared forfeit and void. [March 11, 1828.] Add. act, 1828 ch. 22.

Stock not to be sold or transferred for one year.

Legislative examination.

An Act to incorporate the President, Directors and Company of the Sutton Bank.

Chap 122.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Wilkinson, Samuel Taylor, Joshua W. Leland, Jonas L. Sibley, Hzekiah Howe, Clarke Brown, Caleb Chase, Abraham Chase, Asa Woodbury, Joshua Armsbury, Sullivan Newton, Thomas Harbach and John Dudley, their associates, successors and assigns, shall be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Sutton Bank, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one. And the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," except so far as the same are modified and altered by this act, as fully and effectually, as if the several sections of the said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Persons incorporated.

Powers and duties.
1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth shall subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, viz: one half part thereof on or before the first day of October next, and the remaining part thereof on or before the first day of March, in the year of our Lord one thousand eight hundred and twenty-nine; and no dividend shall be declared upon the capital stock of said bank, until the whole of the capital stock thereof shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of their votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, tenements and hereditaments, to the amount of ten thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of and convey the same, by deed, under the seal of said corporation, and signed by the president, or two of the directors; and to loan and negotiate their monies and effects, by discounting, on banking principles, on such security as they may think proper: *provided, however*, that nothing herein contained shall prevent or restrain said corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to said corporation: *and provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills, or promissory notes, be made or issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the said corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oaths of the directors of said bank; or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards the payment of their respective shares, and not for any other purpose, and that it is intended therein to remain, as a part of said capital, and to return a certificate thereof to the governor; and no stockholder shall be allowed to borrow

Capital stock, shares, &c.

[Time extended, 1823 ch. 66.]

Real estate.

Proviso.

Examination and return of capital stock.

- any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.
- Location of bank.** **SECT. 3.** *Be it further enacted,* That the said bank shall be established in the town of Sutton, and shall have seven directors, whom a majority of, shall always be resident in said town, and all of them in the county of Worcester; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person, on their account, in any other place than at said bank.
- Legislative examination.** **SECT. 4.** *Be it further enacted,* That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that said corporation have exceeded their powers herein granted to them, or have failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.
- First meeting.** **SECT. 5.** *Be it further enacted,* That the persons herein before named, or any of them, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same, three weeks successively, in the *National Aegis*, and *Worcester Yeoman*, two papers published in Worcester, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.
- Commonwealth may subscribe to capital stock.** **SECT. 6.** *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, herein before provided for; and whenever the Commonwealth shall become so interested in said bank, the Legislature shall have a right to appoint four additional directors for the management of the same.
- Corporation liable to pay original amount of altered notes.** **SECT. 7.** *Be it further enacted,* That the said corporation shall be liable to pay, to any *bona fide* holder, the original amount of any note of said bank altered to a larger amount in the course of its circulation, notwithstanding such alteration; and shall also be liable to pay any *bona fide* holder the amount of any note of said bank, counterfeited, unless all the notes actually issued by said bank shall be printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.
- Stereotype plate.** **Tax.** **SECT. 8.** *Be it further enacted,* That said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasury of this Commonwealth, for the use of the same, and within ten days after the first Mondays of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.
- Loans to the Commonwealth.** **SECT. 9.** *Be it further enacted,* That, whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual interest, at a rate not exceeding five per centum per annum.
- Stock not transferable for one year.** **SECT. 10.** *Be it further enacted,* That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.
- Cashier shall give bonds.** **SECT. 11.** *Be it further enacted,* That the cashier, before he enters upon the duties of his office, shall give bond, with sureties, for the faithful discharge of the duties of his office, in the penal sum of twenty thousand dollars. [March 11, 1823.] Add. act, 1823 ch. 66. Repealed, 1829 ch. 64.

Chap 123.

An Act to incorporate the Fall River Institution for Savings.

- Persons incorporated.** **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Oliver Chase, James Ford, Harvey Chase, Bradford Durfee, John C. Borden, Clark Shove, and Hezekiah Battelle, be, and they hereby are, constituted a corporation, by the name, style and title, of the Fall River Institution for Savings, and that they, and such others as shall be duly elected members of the said corporation, as in this act is provided, shall be and remain a body politic and corporate, by the same name, style, and title, for the term of twenty years.
- SECT. 2.** *Be it further enacted,* That the said corporation

shall be capable of receiving from any person or persons, deposited to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided. Deposits of money.

SECT. 3. *Be it further enacted*, That all deposits of money received by the said society, shall be, by the said corporation, used and improved to the best advantage ; and the income, or profit thereof, shall be by them applied and divided among the persons making the said deposits, their executors, administrators or assigns, in just proportion, with such reasonable deductions, and the principal of such deposits may be withdrawn at such times, and in such manner, as the said society shall direct and appoint. Deposits to be improved and income divided among depositors.

SECT. 4. *Be it further enacted*, That the said corporation shall, at their annual meeting in April, have power to elect, by ballot, any other person or persons, as members of the said society. Election of members.

SECT. 5. *Be it further enacted*, That the said corporation may have a common seal, which they may change and renew at pleasure ; and that all deeds, conveyances and grants, covenants and agreements, made by their treasurer, or any other person by their authority and direction, shall be good and valid ; and the said corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer by the name, style, and title aforesaid. General powers.

SECT. 6. *Be it further enacted*, That the said corporation shall hereafter meet at Fall River, some time in the month of April, annually, and as much oftener as they may judge expedient ; and any seven members of the said corporation, the president, secretary, or treasurer, being one, shall be a quorum ; and the said corporation, at their meetings in April annually, shall have power to elect and choose a president, and all other such officers as to them shall appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their room ; and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively. Place of meeting, quorum, &c.

SECT. 7. *Be it further enacted*, That the said corporation hereby are vested with the power of making laws for the more orderly managing the business of the corporation : *provided*, the same are not repugnant to the constitution or laws of this Commonwealth. By-laws.

SECT. 8. *Be it further enacted*, That James Ford be, and he is hereby authorized, by public notifications in the Fall River newspaper, to call the first meeting of the said society, at such time and place as he shall judge proper. First meeting.

SECT. 9. *Be it further enacted*, That the officers and agents of the said institution shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do ; and shall exhibit Legislative examination and control.

to them all the books and papers relating thereto ; and shall submit to be examined by them concerning the same, under oath ; and the Legislature may, at any time, make such further regulations for the government of said institution, as they may deem expedient ; and may alter, amend, or repeal this act at pleasure. [*March 11, 1828.*]

Chap 124.

An ACT to incorporate the Lowell Brewery.

Persons incor-
porated.

Powers and
duties.

1808 ch. 65.

Real and per-
sonal estate.

First meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Kirk Boot, Paul Moody, Charles Smith, Cyril French, their associates, successors and assigns, be and they are hereby made a corporation, by the name of the Lowell Brewery, for the purpose of manufacturing malt liquor in the town of Lowell, in the county of Middlesex ; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, exclusive of improvements, and such personal estate, not exceeding the value of twenty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

SECT. 3. *Be it further enacted,* That any one of the persons mentioned in this act be, and hereby are [*is*] authorized to appoint the time and place of holding the first meeting of said corporation, and to notify them thereof, either by personal notice, or otherwise. [*March 11, 1828.*]

Chap 125.

An ACT to change the Names of the Persons therein mentioned.

Names chang-
ed.

Suffolk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, Sarah Ballough, of Boston, in the county of Suffolk, may take the name of Sarah Goodwin, that Thomas Ballough may take the name of Franklin Goodwin, that Sarah Ann Ballough may take the name of Sarah Elizabeth Goodwin, that Abigail Lamb Ballough may take the name of Charlotte Augusta Goodwin, that Samuel Ballough may take the name of Samuel Goodwin, and that George Ballough may take the name of George P. Goodwin—all minor children of said Sarah Ballough first named ; and the said persons, from and after the passing of this act, shall be known and called by the names which they are respectively allowed to assume as aforesaid. [*March 11, 1828.*]

An Act to incorporate the President, Directors and Company of the Lowell Bank. *Chap 126.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Phineas Whiting, Kirk Boot, Samuel Bachelor, Paul Moody, Thomas Hurd, Josiah Crosby, Daniel Richardson, Nathaniel Wright, and their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Lowell Bank, and shall so continue from the third Monday in March one thousand eight hundred and twenty-eight, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the President, Directors and Company of the State Bank,” excepting so far as the same are modified or altered by this act, as fully, as if the several sections of said act were herein specially recited and enacted : *provided, however,* that the amount of bills issued from said bank at any one time, shall not exceed the amount of the capital stock actually paid in.

Persons incorporated.

Powers and duties.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as the Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one half part thereof on or before the first day of September next, and the residue thereof on or before the first day of February next ; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of and convey the same by deed, under the seal of said corporation, and signed by the president or two directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security, as they may think advisable : *provided, however,* that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution to any amount, as security for, or in payment of, any debts due to the said corporation : *and provided, further,* that no money shall be loaned, or

Amount of capital stock, shares &c.

[Capital increased, 1828 ch. 131.]

Real estate.

Proviso.

Examination
and return of
capital stock.

discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until said capital stock actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be at the expense of the corporation, to examine the monies actually existing in said vaults, to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor; and no stockholder shall be allowed to borrow money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Bank to be kept
in Lowell.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Lowell; and the whole number of directors shall be nine; and a majority of the board shall be inhabitants of said town; and no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, in any other place than at the said bank.

Loans to the
Common-
wealth.

SECT. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

First meeting.

SECT. 5. *Be it further enacted*, That the persons, herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, so soon as may be, at such time and place as they may see fit to appoint, by advertising the same in the Lowell Journal, a newspaper printed at Lowell, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary: *provided*, the same be not repugnant to the laws and constitution of this Commonwealth, and the choice of the first board of directors, and such other officers, as they shall see fit to choose.

Common-
wealth may
subscribe to
capital stock.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regu-

lations and provisions, as to the management thereof, as shall be by the Legislature made and established.

SECT. 7. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise the right. Legislature, may appoint directors.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office. Cashier shall give bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of May next, shall pay, by way of tax, to the treasurer of the Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have been paid in. Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank, counterfeited, excepting such note is printed or impressed with the stereotype plate : and said corporation shall not, at any place, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or any other bank incorporated within this Commonwealth, for a less sum than the nominal value expressed in such bill or note. Corporation }
liable to pay
original amount
of altered notes.

SECT. 11. *Be it further enacted*, That the capital stock of said bank, or any part of it, shall not be sold or transferred during the period of one year from the passing of this act ; and in case the same shall not be put in operation within the year aforesaid, it shall be void. Stereotype plate.

SECT. 12. *Be it further enacted*, That any committee specially appointed by the Legislature, for that purpose, shall have a right to examine into the doings of said corporation, and have free access to all their books and vaults ; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [March 11, 1828.] Add. acts, 1828 ch. 131 : 1830 ch. 58 : 1832 ch. 72. Stock not to be transferred for one year.

Legislative examination.

Chap 127.

An ACT to establish the Warren Bridge Corporation.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Skinner, Isaac Warren, John Cofran, Nathaniel Austin, Ebenezer Breed, Nathan Tufts, and their associates, successors and assigns, be, and they hereby are constituted a corporation, by the name of “the Proprietors of the Warren Bridge,” and by that name may sue and be sued to final judgment and execution, and do and suffer all other matters and things which bodies politic may or ought to suffer and do ; and said corporation shall have full power to make and use a common seal, and the same to break, alter and renew at pleasure.

Corporation
authorized to
build bridge,
&c.

SECT. 2. *Be it further enacted,* That said corporation be, and they are hereby authorized to locate, build and construct, or to cause to be built and constructed, a bridge across Charles river, from or near the wharf in Charlestown, late the property of John Harris, Esq., deceased, to the newly made lands in Boston, near the Mill creek, so called, with a good and sufficient draw, as wide as the draw of the present Charles river bridge ; said draw to be located by commissioners, to be appointed by the governor, with advice of council, at the expense of said corporation ; and shall erect a wharf or pier near said draw, on each side of said bridge, for the accommodation of vessels passing through the same, said draw and said wharves to be planked upon the inside from the top of low water to the top of said draw and wharves, and also a pier wharf not less than eight feet wide upon the top, well covered with plank, and also planked up on each side from the top of low water to the top of said pier wharf. And said pier wharf shall be placed in a direct line from the north side of the draw through Charles river bridge, and within one hundred and thirty feet from, and not nearer to, said bridge, towards the wharf to be built on the east side of the proposed new bridge, and within thirty feet of said wharf ; and said wharf shall be built on the north side of the draw through said bridge ; and said bridge, together with the wharves or piers, shall be built of good and sufficient materials ; the bridge to be not less than forty-four feet in width from outside to outside, and wharves or piers not less than one hundred feet in length, and thirty feet in width.

Bridge to be
kept in good
repair.

SECT. 3. *Be it further enacted,* That said corporation shall be held liable to keep said bridge and draw in good repair, and to raise the draw, and afford all necessary and proper accommodation to vessels having occasion to pass the same, by day or by night ; and shall keep said bridge sufficiently lighted, by lamps on each side of the same, not exceeding seventy feet apart ; and if any vessel shall be unreasonably delayed or hindered in passing said draw, by the negligence of said corporation, or their agents, in discharging the duties enjoined by this act, the owners or commanders of such vessels may recover reasonable damages therefor, of said corporation, in an action on the case, before any court proper to try the same.

SECT. 4. *Be it further enacted,* That said corporation shall

be holden to make compensation to any person, persons, or corporation, whose real estate shall be taken for the use of said bridge, and if there should be a difference of opinion as to the value of the same, either party may apply to the court of common pleas in the county where such real estate lies, for a committee to estimate the damage such person, persons, or corporation will sustain; and upon such application, the court, after ten days' notice to the adverse party to appear, and shew cause why such committee should not be appointed, shall, if no good reason be shown to the contrary, appoint three or five disinterested freeholders within the county, who, being first sworn before some justice of the peace, and giving due notice to the parties to appear, if they see fit, for a hearing, shall proceed to the duties of their appointment, and estimate the value of real estate taken as aforesaid, and shall make return of their doings, as soon as may be, to the said court; and upon acceptance of said report, judgment may be given thereon, with costs, to either party, according to the discretion of the court: *provided*, that, in all cases, either party may claim a trial by jury, as in similar cases where lands are taken for public uses.

Compensation
for real estate
taken.

Proviso.

SECT. 5. *Be it further enacted*, That either of the persons named in this act is authorized to call the first meeting of said corporation, by causing notice thereof to be published in one or more of the newspapers printed in Boston or Charlestown, at least seven days previous to the time of holding such meeting; and said proprietors, by a vote of a majority of those present, or represented by proxy, at said meeting, allowing, in all cases, one vote to each share, shall choose a clerk and treasurer, who shall be sworn to a faithful discharge of the duties of their respective offices; the treasurer to give bonds of not less than ten thousand dollars, with sufficient sureties, and said offices may be united in one person, if the proprietors shall so elect; and at the same, or any subsequent meeting, said proprietors may make and establish any by-laws, rules and regulations, not repugnant to the constitution and laws of the Commonwealth, that shall be necessary or convenient for regulating said corporation, and for effecting, completing and executing the purposes aforesaid, and for collecting the toll herein after granted; and the same by-laws, rules and regulations may cause to be kept and executed; or for the breach thereof may order and enjoin fines and penalties, not exceeding twenty dollars. The said proprietors may also choose and appoint any other officer or officers of said corporation, that may be deemed necessary; and this act, and all by-laws and votes of the said corporation, shall be fairly and truly recorded by their clerk, in a book or books, for that purpose provided and kept, which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the Legislature.

First meeting.

Right of voting.

By-laws.

SECT. 6. *Be it further enacted*, That, for the purpose of reimbursing the said proprietors for the money expended and to be expended in building and supporting said bridge, the same toll

Toll, &c.

be, and hereby is granted, for the benefit of said proprietors, as was granted to the proprietors of Charles river bridge, by their act of incorporation ; and when said proprietors shall be reimbursed the money by them expended, in and about the building said bridge, and other necessary expenses, with five per cent. interest thereon, then the said bridge shall revert to, and become the property of the Commonwealth, and shall be surrendered by said proprietors, in good repair, and the obligations herein imposed on said corporation shall then cease : *provided*, the term for taking toll aforesaid, by the proprietors aforesaid, shall not exceed six years.

Proviso.

Proprietors to exhibit a statement of expenses and receipts to the governor and council, &c.

SECT. 7. *Be it further enacted*, That it shall be the duty of said proprietors, as soon as said bridge is completed, to make to the governor and council an exhibit of the cost of the same, which shall not exceed the sum of sixty thousand dollars ; and on the second Monday of January, annually, to exhibit, as aforesaid, a statement of the profits accruing from the toll, stating particularly the amount of money received, and the amount expended ; the expenses in no case to exceed five thousand dollars annually ; all said statements to be sworn to by the treasurer ; and if said corporation shall not, within three years from the passing of this act, locate, construct, build and complete said bridge, agreeably to the provisions of this act, then this act shall be null and void.

Proprietors shall pay to Harvard University one half the sum required to be paid by C. R. B.

SECT. 8. *Be it further enacted*, That at the expiration of one year from the time of opening said bridge for passengers, and annually thereafter, until said bridge shall revert to the Commonwealth, the said proprietors shall pay, out of the income accruing from tolls, one half the sum now required to be paid to Harvard College or University, annually, by the proprietors of Charles river bridge, and the said proprietors of Charles river bridge shall be exonerated from paying to said college or university, so much as is hereby required to be paid by the proprietors of the Warren bridge. [*March 12, 1828.*] Add. acts, 1832 ch. 170 : 1833 ch. 219 : 1834 ch. 131 : 1835 ch. 155. Res. Apr. 16, 1836.

Chap 128.

1822 ch. 59.
1825 ch. 11.

Corporation authorized to construct a canal, &c.

An ACT to authorize the Hampshire and Hampden Canal Company to construct a Canal from Northampton to the North Line of this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Hampshire and Hampden Canal Company may, and the same is hereby authorized to locate, construct and fully complete a navigable canal, with locks, tow-paths, basins, wharves, dams, embankments, toll-houses, and other necessary appendages, commencing at some convenient point in the town of Northampton, in the county of Hampshire, and so as to form a navigable connection of the canal hereby authorized, with the canal which said company was heretofore authorized to construct, and thence passing in such course or courses, as may be most convenient for said company, northerly through the towns adjoining Connecticut river, to the north line of this Commonwealth, in the town of Northfield, in the county of Franklin, with power

to employ and use, as reservoirs or feeders, for the purpose of supplying with water said canal, or such works as may have any portion of their water diverted from them, to supply said canal, the different ponds, rivers and streams of water, near or over which said canal may pass, except Connecticut river, and also to save the flood, and other waters of the ponds, rivers and streams so used as aforesaid, and to construct artificial reservoirs, for the purposes aforesaid; and the said corporation shall have power to connect with said canal, by feeders or navigable canals, any of said ponds, rivers, streams and reservoirs; and said canal, and the canal herein after provided to connect the same with Connecticut river, shall be not less than thirty-four feet wide at the surface of the water, twenty feet wide at the bottom, and four feet deep; and the locks on said canals shall be of such length and width, that boats, which can conveniently navigate Connecticut river, may float and pass on through the same: *provided, however*, that all damages which may be occasioned to any person or persons, corporation or corporations, by any of said canals, reservoirs or feeders, or in the construction thereof, shall be satisfied by said corporation, in manner herein after provided. Proviso.

SECT. 2. *Be it further enacted*, That if, at any time after said canal, or any of its branches or feeders, are located, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said corporation shall have power to deviate from the course marked out, so far, and in such manner, as may be best calculated to surmount, overcome, or avoid such obstacles or inconveniences, said corporation satisfying all damages which may be occasioned thereby, in the manner herein after provided. And said corporation may, from time to time, make such alterations in the course of said canal, its branches or feeders, as may be necessary and expedient, satisfying all damages in manner aforesaid, provided such deviations and alterations are made within four years from the passing of this act. Corporation may deviate from course marked out.

SECT. 3. *Be it further enacted*, That said corporation may collect toll on all boats navigating said canal, and on all passengers conveyed therein, and on every description of property or thing transported on said canal, whenever, and as soon, as said canal, or any fifteen miles thereof, is made and completed, and the same is connected by said company, as herein before provided, with the canal heretofore authorized, and with the navigation of Connecticut river, as herein after provided, and the waters thereof are let into said canals for use, which toll shall be estimated for each mile's transportation on said canal, and shall not exceed the following rates, to wit: on each boat, used principally for the transportation of property, carrying less than twenty tons, per mile, one cent; on each boat of the same kind, carrying more than twenty tons, per mile, one cent five mills; on each boat used principally for the transportation of persons, per mile, ten cents; and on each passenger conveyed therein, per mile, three mills; on each passenger conveyed in freight Tolls, &c.

Rates of toll.

boats, per mile, three mills ; on salt, gypsum, stone, slate, sand, bricks, lime, copperas, iron ore, pig iron, iron castings, staves, heading, hoop poles and split lath, and mineral coal, per ton, per mile, one cent ; on iron, cotton, domestic spirits, pot and pearl ashes, flour, beef, pork, and all agricultural productions, and all articles not enumerated, which may be carried towards tide-water, per ton, per mile, one cent five mills ; on boards, and all sawed stuff reduced to inch measure, and all lath and other sawed stuff, less than one inch thick, if conveyed in boats, per thousand feet, per mile, one cent five mills ; on the same, if transported in rafts, per thousand feet, per mile, two cents five mills ; on shingles, if conveyed in boats, per thousand, per mile, three mills ; on the same, if transported in rafts, per thousand, per mile, five mills ; on timber, square or round, if conveyed in boats, for every hundred solid feet, per mile, one cent five mills ; on the same, if transported in rafts, for every hundred solid feet, per mile, two cents five mills ; on wood for fuel, if conveyed in boats, per cord, per mile, one cent ; on the same, if in rafts, per cord, per mile, two cents ; on all articles not enumerated, per ton, per mile, three cents ; each ton mentioned in the foregoing rates, to be computed by weight : but the Legislature shall have a right to alter the rates of toll, after twenty years from the passing of this act ; and when said corporation shall have been reimbursed all expenses for the construction of said canal, with twelve per cent. per annum interest thereon, besides the necessary expenses of keeping the same in repair, then the property of said canal shall be vested in the Commonwealth, and be at the disposal of the Legislature.

By-laws.

SECT. 4. *Be it further enacted*, That said corporation shall have the power, from time to time, to make and ordain such by-laws, rules and regulations, as may be necessary, touching the premises, especially to fix upon and determine the size and form of boats, rafts, and all other vessels, which shall be used for the purpose of navigating said canal, to determine the time and manner of passing the locks, and what commodities shall not be transported during a want of water, should such an event happen on any portion of said canal : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth : *and provided further*, that the Legislature of this Commonwealth may modify or annul any such by-laws, rules and regulations ; and the penalties provided by said by-laws, rules and regulations, may be sued for and recovered by the treasurer of said corporation, or by any other person by said corporation thereunto authorized, to the use of said corporation, before any justice of the peace or any court proper to try the same, in the county wherein said penalty shall accrue, which penalties shall in no case exceed the sum of ten dollars ; and said corporation shall cause all such by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous situation at each toll-house, and if any person or persons shall wantonly or maliciously mar, deface or pull down any copy so set up, said

Proviso.

corporation may sue for, and recover, to their own use, of such person or persons, before any court proper to try the same, a sum not exceeding five dollars.

SECT. 5. *Be it further enacted*, That if any person or persons shall wilfully, maliciously or wantonly, and contrary to law, obstruct the water or navigation, remove, or in any way spoil, injure or destroy said canal, or its branches, or feeders, or reservoirs, or any part thereof, or any thing belonging thereto, or any material to be used in the construction thereof, he, she or they, or any person or persons aiding, assisting or abetting such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court or jury before which the trial shall be had, to be sued for and recovered before any justice of the peace or court proper to try the same, in the county where such offence shall have been committed, in the name of the treasurer of said corporation, or of such other officer as they shall authorize, to the use of said corporation; and such offender or offenders, for any offence or offences contrary to the above provisions of this act, shall be liable to indictment by the grand inquest of the county wherein the offence shall have been committed, and on conviction thereof, either in the supreme judicial court, or in any court of common pleas, to be holden in said county, shall pay a fine not exceeding five hundred dollars and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the court before which the conviction may be had.

Penalties for malicious injuries.

Fine.

SECT. 6. *Be it further enacted*, That whenever said corporation shall have located said canal, or any part thereof, or the feeders or branches thereto, or any of them, they shall make report of so much thereof as is located in the county of Hampshire, to the court of sessions or county commissioners in said county of Hampshire, and of so much thereof as is located in the county of Franklin to the court of sessions or county commissioners in said county of Franklin, at any regular or adjourned term of said courts respectively, wherein they shall particularly describe the bearings of the intended route, or any section thereof, its width, including tow-paths, embankments, basins, wharves, excavations, the reservoirs intended to be constructed or used, and the names of the owners of the lands, as far as the same can be ascertained, which report or reports, so made, of the whole or any section or portion of said canal, or of any one or more of the feeders, branches or reservoirs, shall be placed on the files of the court, to which the same shall be returned; and notice shall be given thereof to the owners of the lands embraced therein, if known, in such manner as said court shall direct, at the expense of said corporation; and said courts shall thereupon, severally, each in its respective county, appoint three disinterested and discreet freeholders of said county (vacancies, if any thereafter happen, to be filled by said courts respectively) to estimate all damages which will accrue in their respective

Corporation shall make report of location, &c.

Estimation of damages by commissioners.

counties, to any person or persons, corporation or corporations, whose lands are described or mentioned in the report or reports of said commissioners : *provided*, said canal, or any section thereof, or any branch or feeder thereof, or basin, wharf, or other appendage or appurtenance thereto, be constructed thereon ; and the said commissioners, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof ; and shall give public and seasonable notice in such manner as said courts shall respectively direct, to all persons or corporations interested, to file their claims, if any they have, which have not been released to said corporation, with some one of said commissioners, or with the clerk of the court to which the report shall have been made, within thirty days from the date of such notice ; at the end of the time allowed for filing such claims for damages, the commissioners, or a majority of them respectively, shall give public notice to all parties interested, of the time, and of the extent of the route to be by them examined, by publishing an advertisement thereof, in three successive papers, at least, the said commissioners for the county of Hampshire in a newspaper printed in said Northampton, and the said commissioners for the county of Franklin in a newspaper printed in Greenfield, in said county ; whereupon said commissioners, or a majority of them, each in their respective county, shall pass over the premises so intended to be used by said corporation for the purposes aforesaid, and after hearing the parties in interest, or such of them as desire to be heard, shall, according to their best skill and judgment, estimate all such damages as they shall think any person or persons, corporation or corporations, will sustain by opening said canal, or any of its branches or feeders, through his, her or their lands, in said county, or by the construction of any reservoir, embankments, tow-paths, basins, wharves or other appendages, or by the diversion of the water from any of the ponds, rivers or streams in said county, over and above the benefit and advantages which such commissioners shall adjudge will accrue to such person or persons, corporation or corporations, from the same ; and the said commissioners, or a majority of them, each in their respective county, shall make return of their doings to the court of sessions, or county commissioners in said county, as soon as may be, to the end that the same may be accepted, allowed and recorded ; and the said courts of sessions or county commissioners, respectively, shall thereupon order the said report or reports to them respectively made, or the substance thereof, to be published in some newspaper printed in their respective counties, three weeks successively, at the expense of said corporation ; and if the corporation, or any person or persons, corporation or corporations interested, shall be dissatisfied with the estimate of said commissioners, application may be made, by such dissatisfied party, to the court of sessions or county commissioners within and for the county wherein the damage complained of has been sustained, at the term thereof next after the return and acceptance of such report, and its

Commissioners shall make return of their doings to court of sessions, or county commissioners.

Parties aggrieved may have trial by jury.

publication as aforesaid, for a jury to hear and finally determine upon the amount of damages to be assessed in the case complained of, which jury shall be summoned by the sheriff, under the direction of the court, in manner prescribed by law in case of complaints for damages occasioned by laying out of highways; and the verdict of said jury shall be made returnable to the court of common pleas, in the same manner that a verdict is made returnable to said court by the law establishing county commissioners; and the same proceedings shall be had thereon as is therein provided in relation to the verdict of a jury; and they shall be under oath, according to the provisions of the law in such cases; and if the party injured in his, her or their estate, apply for such jury, and fail to obtain increased damages, the party so applying for a jury, and failing as aforesaid, shall be liable for all legal costs arising after the entering such application for a jury; but if such corporation shall apply for such jury, they shall, in all cases, pay the costs, whether the damages are increased or diminished; and said court may enter judgment and issue execution for costs accordingly: *provided always*, that in all cases it shall be competent for said corporation, and any person or persons, corporation or corporations, injured by the location of said canal, or of any of its tributaries or appendages, to submit the question of damages to such referees as they may agree upon, whose award, when returned to the court of common pleas within and for the county wherein the damage has been sustained and accepted, shall be final; and said court may enter judgment accordingly.

Proviso.

SECT. 7. *Be it further enacted*, That if within ninety days after the said corporation shall have entered upon the land of any person or persons, corporation or corporations, and commenced the process of excavation or embankment, for the purpose of constructing said canal, or any of its branches, feeders, or reservoirs, it shall not pay, or cause to be paid, the damages, if any, so assessed, in manner aforesaid, by said commissioners, or such jury, or awarded by referees as aforesaid, as well such person or persons, corporation or corporations, on whose land operations are so commenced, as others whose water privileges shall be thereby injured, or may be injured by the flowage or diversion of water, may have an action of debt against said corporation, in any court proper to try the same, in the county wherein such damage or injury may arise, to recover such damages; and execution, from whatever court the same may issue, for damages assessed as aforesaid, or for costs, shall be in the common form, *mutatis mutandis*, and may be levied upon the goods, estate, or lands of said corporation, or any member thereof; and, in case it issue from the court of sessions, or county commissioners aforesaid, for costs as aforesaid, it shall be made returnable at the term of said court then next ensuing; and the report of said commissioners, when accepted and recorded, and not appealed from in manner aforesaid, or the verdict of a jury, being returned and recorded, or the award of

Persons damaged, if not paid the damages assessed within ninety days, may commence an action of debt.

Provisos.

referees, being made and accepted as aforesaid, shall forever be a bar to any action commenced for damages against said corporation, its officers or agents, on account of the injury for which such damages were assessed or awarded, other than as is herein provided, saving only, that where yearly damages are assessed, the party in whose favor they are assessed or ascertained by a jury, or awarded by referees, shall have his action of debt to recover the same, when payable, during the continuance thereof: *and provided*, that said corporation, before entering upon the land of any person or persons, and commencing the process of excavation or embankment, for the purpose of constructing said canal, or any of its branches, feeders, or reservoirs, shall first pay the owner or owners thereof the damages so as aforesaid assessed, awarded, or agreed upon, in all cases when by such owner or owners thereto requested: *provided, also*, that whenever the water privileges of any person or persons, corporation or corporations, or the injuries which may be sustained by the flowage or diversion of water, are such, that the commissioners shall not be able, before the canal is actually opened, to determine with reasonable certainty, the damages which the opening the canal will occasion, and the party injured shall request it, the said commissioners shall assess the damages which such person or persons, corporation or corporations, will sustain during a limited period, at the expiration of which time, a new application may be made by such person or persons, corporation or corporations, to the court of sessions or county commissioners, in the county where such damages accrue, and a new assessment of damages shall be thereupon made, in the manner herein before provided: *provided, also*, that any person or persons, corporation or corporations, whose water privilege shall be injuriously affected, or may be injured by the flowage or diversion of water, by the construction of said canal, its branches, feeders, or reservoirs, and who shall not have exhibited his, her or their claims for damages, at the time herein before provided for the exhibition of claims for damages, may, nevertheless, at any subsequent period make application to the court of sessions or county commissioners, in the county where such damages accrue; and, thereupon, the said commissioners shall proceed to assess the damages sustained by such person or persons, or corporations, in manner aforesaid: *provided, also*, that if, after said canal shall be located, and a report of commissioners be made thereon in manner aforesaid, any alteration shall be made in the course thereof, or in the course of any of its feeders or branches, or if any new reservoirs, branches, or feeders, shall be made in aid of said canal, the damages may be estimated in the same way, and the same proceedings had in manner provided in this act.

Commissioners' fees.

SECT. 8. *Be it further enacted*, That the commissioners provided to be appointed by the courts of sessions or county commissioners, shall be allowed three dollars a day, each, for

their services, when actually employed in the execution of their duties, as such, to be paid by the said corporation.

SECT. 9. *Be it further enacted*, That said corporation shall build, and keep in good repair, suitable and convenient bridges over said canal, in all places where said canal shall pass any existing highway or road, or any new one which may be hereafter laid out for public use, and such other bridges over said canal, for the accommodation of such persons or corporations as may own lands on both sides, at such place or places, and of such dimensions, as the court of sessions or county commissioners for the respective counties may, on application of the parties interested, order and direct; and shall also build toll-houses at such places as said courts shall direct, and shall, at all times, keep and have suitable persons to tend the same, and to tend the locks, which shall be constructed on said canal, and on the canal connecting the same with Connecticut River, so that the boatmen be not unnecessarily detained on their passage.

Corporation shall build and keep in repair bridges over canal, &c.

SECT. 10. *Be it further enacted*, That said corporation shall construct, and shall at all times keep in good repair, at some convenient place in said town of Northampton, where the commissioners aforesaid shall direct, a navigable canal and locks, and whatever other works may be needful for connecting the navigation of said canal heretofore authorized, and of the canal hereby granted with Connecticut River; and said connecting canal, locks, and other works, shall be of such dimensions, and so constructed and maintained, that all boats, or other floats, capable of being floated on said main canals, and through the locks connected therewith, may freely, conveniently, and without unnecessary delay, at the pleasure of the owner or person having charge of the same, be passed from and out of said main canals, into said Connecticut River, and from and out of said river into and through said main canals.

A connecting canal, &c. shall be built.

SECT. 11. *Be it further enacted*, That no greater rates of toll, in proportion to the distance passed, shall be charged or taken by said corporation, for boats or other floats navigating said canals, or for persons or things transported thereon, which shall enter into, or proceed from said river at Northampton aforesaid, than the tolls charged and *bona fide* taken and retained for like boats, floats, persons, or things, which shall proceed through the whole length of said canals, from the north to the south line of this State.

Toll, &c.

SECT. 12. *Be it further enacted*, That the said corporation may, and the same is hereby authorized to raise sufficient funds for the accomplishment of the objects aforesaid; and for that purpose it may, as soon as it shall see fit, after the passing this act, and from time to time thereafter, as it may become necessary, open books, at some suitable place or places, wherein subscriptions may be entered for shares in the capital stock of said company, each share to be of the amount of one hundred dollars, and each subscriber to be a member of said corporation, for all

Subscriptions to capital stock.

Right of voting. purposes ; and every member shall have a right to vote at all meetings of said corporation, by himself, or proxy duly authorized in writing, each share entitling the owner thereof to one vote : *provided*, that no stockholder shall be entitled to more than ten votes.

Shares of delinquents may be sold.

SECT. 13. *Be it further enacted*, That if any subscriber shall neglect to pay his subscription, or any portion thereof, for the space of thirty days after he is required so to do, by a vote of the corporation, the corporation, or any officer duly authorized for that purpose, may make sale of such share or shares, at public auction, to the highest bidder, and the same shall be transferred to the purchaser, by the treasurer in manner herein after provided ; and such delinquent subscriber shall be held accountable to the corporation for the balance, of his share or shares, in case said share or shares shall be sold for less than the amount which shall be due thereon, and shall be entitled to the surplus, if any there shall be, beyond the amount of instalments, so as aforesaid due thereon. But no assessment shall ever be made, so as to render any subscriber liable to pay more than one hundred dollars for a share ; nor shall the stock or property of said corporation be liable to any species of taxation, for the term of eight years from and after the passing this act.

Transfer of shares.

SECT. 14. *Be it further enacted*, That any share or shares of any member, may be transferred by deed, acknowledged and recorded by the clerk of said corporation, in a book to be kept for that purpose ; and the treasurer is hereby authorized to make transfers, in like manner, of the shares of members, sold according to the provisions of the thirteenth section of this act.

Expenses to be refunded, &c.

SECT. 15. *Be it further enacted*, That all expenses that have been, or shall be, incurred in procuring the inspection, examination, and surveying the location of said canal, and, also, all expenses that shall be incurred in procuring subscriptions to the stock as aforesaid, shall be refunded to those who shall have paid the same, out of the first instalments, and the amount thereof shall be entered on the books of the company, and become a part of the capital stock : *provided*, that nothing in this act contained shall be construed to prevent this Commonwealth, whenever they shall deem the public good requires it, from intersecting said canal by any railway or other canal, at such place or places, as may hereafter be deemed by them expedient : *and provided, also*, if said corporation shall neglect or refuse, for the space of four years after the passing this act, to make and complete said canal hereby authorized, and said connecting canal, then this act shall be void : *and it is further provided*, that said corporation shall not take or use, for feeders, any of the waters of Connecticut river within this Commonwealth, nor take, use, or so construct their works, as to interfere with the dams, ponds, locks, canals, or other works heretofore made or constructed by the company called the Proprietors of the Upper Locks and Canals on Connecticut river in the county of Hampshire, nor so as in any man-

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ner to impede the free and continued use of said dams, ponds, locks, and canals, or of Connecticut river aforesaid.

SECT. 16. *Be it further enacted*, That the canal hereby granted, and the canal connecting the same with Connecticut river, be, and the same hereby are declared public ways for all the citizens of this Commonwealth, and others, to pass and repass thereon with their boats, and other craft, under such by-laws, rules and regulations, as are herein before authorized to be made ; and said company shall at all times repair and keep in sufficient repair all their works, and any unreasonable neglect so to do, shall subject them to be punished therefor, by indictment ; and if any person shall be unnecessarily or unreasonably delayed, molested, injured or damnified by the wilful misconduct or negligence of said company, or their agents or servants, or by any unreasonable neglect or delay of said company, their agents or servants, in repairing or keeping in repair, any of their works, such person may have his remedy at law therefor against said company. [March 12, 1828.] Add. acts, 1829 ch. 50 : 1832 ch. 47 : 1836 ch. 199.

Canals to be a public way.

An ACT to incorporate the President, Directors and Company of the Southbridge Bank.

Chap 130.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Eben. D. Ammidown, William Foster, Moses Plimpton, Holmes Ammidown, Luther Ammidown, Junior, John Ammidown, Horace Whitaker, Samuel A. Groves, Ira Carpenter, Frederick W. Bottom, George Sumner, Samuel Hartwell, and William Healy, Junior, their associates, successors and assigns, shall be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Southbridge Bank, and shall so continue, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the rights, privileges and immunities, which are contained in an act, entitled “an act to incorporate the president, directors and company of the State Bank,” except so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted : *provided, however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Persons incorporated.

Powers and duties.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, with such part as the Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following, viz : fifty per centum thereof on the first Monday of September next, twenty-five per centum thereof, on or before the first Monday of December next, and the remainder thereof, on or before the first Monday in February next ; and no dividend shall be declared upon the capital stock

Amount of capital stock, shares, &c.

Real estate.

Proviso.

Examination
and return of
capital stock by
commissioners.Location of
bank, and num-
ber of directors,
&c

First meeting.

of said bank, until the whole of the said capital stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors, and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of, and convey the same by deed, under the seal of said corporation, and signed by the president, or two directors, and to loan, and negotiate their monies and effects, by discounting, on banking principles, on such securities as they may think advisable: *provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to said corporation: *and provided further*, that no money shall be loaned, or discounts made, nor shall any bills, or promissory notes, be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver, in the vaults, shall amount to fifty thousand dollars; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the governor; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Southbridge; and the whole number of directors shall be nine, five of whom shall constitute a quorum for transacting business; and a majority of the board shall be inhabitants of said town; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place, than at the said bank.

SECT. 4. *Be it further enacted*, That the persons herein before named, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place, as they may see fit to appoint, by advertising the same in any two newspapers printed in the county of Worcester, for the purpose of making, ordaining,

and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

SECT. 5. *Be it further enacted*, That, whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate, not exceeding five per centum per annum : *provided, however*, that the Commonwealth shall never stand indebted to said corporation without their consent, for a larger sum than twenty per centum of their capital then paid in.

Loans to the Commonwealth.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Commonwealth may subscribe to capital stock.

SECT. 7. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right.

Legislature may appoint directors.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond, with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier to give bond.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of said bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration ; and shall be holden to pay, to any *bona fide* holder, the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation, shall be printed or impressed with the stereotype plate : and that said corporation

Corporation liable to pay original amount of altered notes.

Stereotype plate.

shall not, at any place whatever, directly or indirectly purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Stock not to be transferred for one year.

SECT. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act.

Condition of this act.

SECT. 12. *Be it further enacted*, That, in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Legislative examination.

SECT. 13. *Be it further enacted*, That any committee, especially appointed by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults ; and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined, by the Legislature, that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall, thereupon, be declared to be forfeited and void. [*March 12, 1828.*]

Chap 131.

An Act to incorporate the President, Directors and Company of the Central Bank, in Worcester.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Eaton, L. W. Stowell, Isaac Davis, T. A. Merrick, David Stowell, Pliny Merrick, William Jennison, Daniel Heywood, Gardner Paine, Samuel Allen, Jr., Levi A. Dowley, Benjamin Butman, Asahel Bellows, Daniel Goddard, Isaac Goodwin, Artemas Ward, Anthony Chase, and their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Central Bank, and shall so continue, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever ; and also to make, have and use a common seal, and to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them may appear necessary and convenient for the government of said corporation, and the prudent management of their affairs : *provided*, such by-laws, ordinances and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth ; and the said corporation shall always be subject to the rules, restrictions, limitations and provisions herein prescribed.

General powers.

Amount of capital stock, shares, &c.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in two equal instalments, the

first to be paid on the first day of October next, and the second on the first day of March next, or at such earlier time as the stockholders, at any meeting thereof, may order; and the stockholders, at their first meeting, by a majority of votes, may determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, and their successors and assigns, lands, tenements, and hereditaments, to the amount of ten thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security, as they shall think advisable. *Provided, however,* that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate, in mortgage or on execution, to any amount, as security for, or in payment of any debts due to said corporation: *provided, further,* that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until said capital stock in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain, as a part of said capital; and to return a certificate thereof to the governor; and no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

[Time extended, 1828 ch. 67.]

Real estate.

Proviso.

Examination and return of capital stock.

SECT. 3. *Be it further enacted,* That the rules, limitations and provisions, which are provided in and by the third section of an act, entitled “an act to incorporate the President, Directors and Company of the State Bank,” shall be binding on the bank hereby established. *Provided,* the bond required to be given by the cashier shall be given in the penalty of twenty thousand dollars, that the number of directors to be annually chosen shall be seven, and four shall constitute a quorum for the transaction of business: *and provided, also,* that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

1811 ch. 84.

Bond of cashier, number of directors, &c.

SECT. 4. *Be it further enacted,* That the bank shall be established and kept in the town of Worcester. A majority of said directors shall be residents in said town, and all of them shall be inhabitants of the county of Worcester, and no loan or

Location, &c.

discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, at any other place than at the said bank : and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Legislative examination.

SECT. 5. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults ; and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, regulations, or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

First meeting.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same three weeks successively in the National Aegis, a newspaper printed in Worcester, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

Corporation liable to pay original amount of altered notes.

SECT. 7. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, altered to a larger amount, in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay, to any *bona fide* holder, the amount of any note counterfeited, excepting all their notes are printed or impressed with the stereotype plate.

Stereotype plate.

Tax.

SECT. 8. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have actually been paid in.

Loans to the Commonwealth.

SECT. 9. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum.

Capital stock not transferable for one year.

SECT. 10. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one

year from the time of passing this act ; and in case the same shall not be put in operation, according to the provisions thereof, within the year aforesaid, it shall be void.

SECT. 11. *Be it further enacted*, That no dividends of profits shall be declared or paid on the capital stock of said bank, until the whole of said stock shall have been paid in conformably to the provisions of this act. [March 12, 1828.] Add. acts, 1828 ch. 67 : 1830 ch. 58. Dividends.

An ACT to establish the Marine Elevating Dock Corporation.

Chap 132.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Tileston, of the city of Boston in the county of Suffolk, Robert Gerry, of Stoneham, in the county of Middlesex, Henry Crehore, Ephraim Buck, and William Barrett, all of Malden, in said county of Middlesex, and Jonas B. Brown, of the said city of Boston, and such other persons as have associated, and may hereafter associate themselves with them, be, and they hereby are, made a body politic and corporate, by the name of the Marine Elevating Dock Corporation, for the purpose of making and supporting marine elevating docks, and, by that name, they and their successors may sue and be sued, and generally do and execute whatever by law shall appertain to bodies politic and corporate, and shall be capable in law, to take and hold, in fee simple or otherwise, any lands, tenements, or hereditaments, not exceeding in the whole, the value of twenty-five thousand dollars ; and shall also be capable in law, to take and hold personal estate, not exceeding in the whole, the sum of fifty thousand dollars ; and shall also have power to sell, demise, exchange and otherwise dispose of, or manage, all or any part of their lands, tenements, hereditaments, and personal estate aforesaid, for the benefit of the said corporation, and shall also have a common seal, which they may break, alter, and renew at their pleasure, and shall also have power to make by-laws, with suitable penalties, and not repugnant to the laws of this Commonwealth, and shall be subject to all the duties and requirements, contained in an act, entitled “ an act defining the general powers and duties of manufacturing corporations,” and in the several acts in addition thereto. Persons incorporated.

Powers and duties.

Real and personal estate.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the whole property of said corporation shall be divided into twelve shares, not exceeding the value of six thousand two hundred and fifty dollars each, and said shares shall be considered in all respects as personal estate : and the said corporation shall have power from time to time, to assess, upon each of said shares, such sums of money as may be deemed necessary for the purposes of said corporation ; and for the payment of any such assessment, the said corporation shall have power after notice given pursuant to their by-laws in that behalf, to sell and dispose of the shares of delinquent proprietors, at such time and manner as the said corporation may determine ; and in case of any sale of such shares Property to be divided into shares. [Number of shares increased, 1828 ch. 11.]

Sale of delinquents' shares.

aforesaid, a deed or deeds duly executed and acknowledged by the president of said corporation, or by any person authorized by said corporation, and recorded in their records, shall be as effectual to convey such delinquent proprietor's estate and interest in such shares, as if such deed had been made and executed by such proprietor himself.

First meeting.

SECT. 3. *Be it further enacted*, That the first meeting of said corporation shall be called either by personal notice to each of the proprietors, or by advertisement in two or more of the public newspapers printed in Boston, such notice or advertisement to be at least seven days before the day of such meeting, and that at the said first meeting, or any other legal meeting, the said corporation may agree on the mode of calling and warning their annual and other meetings, and may elect a president and such other officers as they may judge proper for the orderly conducting of their affairs, and the management of their property, and may change or remove such officers at pleasure; and at all meetings each proprietor present shall be entitled to one vote for each of his shares, and any absent proprietor shall be entitled to vote in like manner by proxy authorized in writing.

Legislative control.

SECT. 4. *Be it further enacted*, That this act shall be subject to revision or repeal at the will of the Legislature. [March 12, 1828.] Add. act, 1828 ch. 11.

Chap 133.

An ACT in favor of the Fire Engine belonging to the Bemis Manufacturing Company in Watertown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passage of this act, the selectmen of the town of Newton shall have power to appoint one half of the enginemen to an engine belonging to the Bemis Manufacturing Company, located in Watertown, near the boundary line of said towns. [March 12, 1828.]

Chap 134.

An ACT to establish the Kingston Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Richard F. Johnson, Abisha Stetson and Nathan Lazell, Jun., and such other persons as now are, or may be hereafter associated with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Kingston Manufacturing Company, for the purpose of manufacturing cotton in the town of Kingston, in the county of Plymouth; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate,

not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton. [*March 12, 1828.*]

An ACT in addition to "An Act to incorporate the Middlesex Mutual Fire Insurance Company."

Chap. 136.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Middlesex Mutual Fire Insurance Company shall have power to insure all kinds of personal property in the same way and manner as the said corporation is empowered to insure the kinds of property in said act mentioned. [*March 13, 1828.*] Add. act, 1833 ch. 72.

1825 ch. 141.

An ACT in addition to an Act, entitled "An Act in addition to an Act, entitled, an Act to incorporate the Proprietors of the Branch Church in Salem, in the county of Essex."

Chap. 3.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the corporation, now known and called by the name of the "First Presbyterian Church in Salem," shall, from and after the passing of this act, be known and called by the name of The Howard Street Church, any thing in the act or acts to which this act is in addition to the contrary notwithstanding. [*June 11, 1828.*]

1804 ch. 119.
(v. 3. p. 553.)
1824 ch. 4.

Name altered.

An ACT to incorporate the Chelmsford Glass Company.

Chap. 4.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Adams, Daniel Richardson, Cyrus Baldwin, Samuel F. Wood and Jesse Smith, together with such as have or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Chelmsford Glass Company, for the purpose of manufacturing glass in said Chelmsford; and, for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act entitled "an act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be convenient and necessary for carrying on the manufacture aforesaid. [*June 11, 1828.*]

Real and personal estate.

An ACT in further addition to an Act, entitled "An Act to incorporate the Merrimack Manufacturing Company."

Chap. 5.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Merrimack Manufacturing Company may hold personal property, not exceeding the value of three hundred thousand dollars, in addition to the sum it is now authorized by law to hold. [*June 11, 1828.*]

1821 ch. 46.
1823 ch. 17.

May hold additional personal property.

Chap. 6.

An ACT to incorporate the Swanzey Paper Company.

Persons incor-
porated.Powers and
duties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Hooper, Jr., William Mitchell, Daniel Mitchell, and George Howard, together with such other persons as are or may become associates with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Swanzey Paper Company, for the purpose of Manufacturing paper in the town of Swanzey, in the county of Bristol, and, for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said corporation may hold and possess such real estate, not exceeding in value the sum of twenty-five thousand dollars, and such personal estate, not exceeding twenty-five thousand dollars, as may be found necessary and convenient for carrying on the manufacture of paper in the town of Swanzey, in the county of Bristol. [June 11, 1828.]

Chap. 7.1813 ch. 90.
1814 ch. 1, 60.
1815 ch. 110.
1817 ch. 54, 115.Increase of
capital stock.

Proviso.

Additional
stock subject to
tax, &c.Certificate to be
filed in secreta-
ry's office.

An ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Springfield Bank."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Springfield Bank, be, and they hereby are, authorized and empowered to increase their present capital stock, by an addition of one hundred thousand dollars thereto, to be divided into shares equal in amount to the present shares in the capital stock of said bank, which shall be paid in, in such instalments, and at such times, as the president and directors of said bank may direct and determine: *provided, however,* that the whole amount shall be paid in within one year from the passing of this act.

SECT. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions as the present capital stock of said corporation is now liable to by virtue of the act to which this is in addition.

SECT. 3. *Be it further enacted,* That before the said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be filed in the office of the secretary of this Commonwealth. [June 11, 1828.] Add. acts, 1830 ch. 58 : 1836 ch. 194.

Chap. 8.

1821 ch. 30.

An ACT in addition to an Act to incorporate the Proprietors of the Boston Theatre.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said proprietors may divide their corporate

property into as many shares of equal value, of not less than one hundred dollars each par value, as they may deem expedient.

SECT. 2. *Be it further enacted*, That the second proviso in the sixth section of the act to which this is in addition, be, and the same hereby is repealed. [June 11, 1828.]

AN ACT to incorporate the Ipswich Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Augustine Heard, Joseph Farley, and George W. Heard, with their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Ipswich Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, in the town of Ipswich, in the county of Essex, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding in value the sum of one hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

SECT. 3. *Be it further enacted*, That any one of the persons named in this act be, and he is hereby authorized to appoint the time and place for holding the first meeting of said corporation, giving seven days notice thereof to the others, either by personal notice, or otherwise. [June 11, 1828.]

AN ACT to incorporate the Plymouth Institution for Savings.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Barnabas Hedge, Nathaniel Russell, Zabdiel Sampson, N. M. Davis, Zacheus Bartlett, Ezra Finney, John Thomas, Isaac L. Hedge, Jacob Covington, William Thomas, John S. Hayward, P. W. Warren, R. E. Cotton, J. H. Loud, and Thomas Hedge, be, and they hereby are constituted a corporation, by the name of the Plymouth Institution for Savings, and that they, and such others as shall be duly elected members of said corporation, as in this act is provided, shall be and remain a body politic and corporate, by the same name, for the term of twenty years.

SECT. 2. *Be it further enacted*, That the said corporation shall be capable of receiving, from any person or persons, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions, herein mentioned and provided.

SECT. 3. *Be it further enacted*, That all deposits of money received by the said institution shall be used and improved to the

Chap. 9.

Persons incorporated.

Powers and duties.

1808, ch. 65.

Real and personal estate.

First meeting.

Chap. 10.

Persons incorporated.

Corporation may receive deposits.

Deposits to be improved—

income to be
divided among
depositors.

best advantage, and the income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors, administrators and assigns, in just proportion, with reasonable deductions, and the principal of such deposits may be withdrawn at such times, and in such manner, as the said institution shall direct and appoint.

Election of
members.

SECT. 4. *Be it further enacted*, That the said corporation shall, at their annual meeting in July, have power to elect, by ballot, any other person or persons, as members of the said institution.

General powers.

SECT. 5. *Be it further enacted*, That the said corporation may have a common seal, which they may change and renew at pleasure, and that all deeds, conveyances and grants, covenants and agreements made by their treasurer, or any other person by their authority and direction, shall be good and valid; and the said corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer, by the name aforesaid.

Annual meet-
ing, and choice
of officers.

SECT. 6. *Be it further enacted*, That the said corporation shall hereafter meet at Plymouth, in the month of July annually, and as much oftener as they may judge expedient, and any seven members of the said corporation, at their meetings in July annually, shall have power to elect and choose a president, and all other such officers as to them shall appear necessary, which officers, so chosen, shall be sworn to the faithful performance of the duties of their offices respectively.

By-laws.

SECT. 7. *Be it further enacted*, That the said corporation hereby are vested with the power of making laws for the more orderly managing the business of the corporation: *provided*, the same are not repugnant to the constitution or laws of this Commonwealth.

First meeting.

SECT. 8. *Be it further enacted*, That Nathaniel Russell be, and he is hereby authorized, by public notification in the Plymouth newspaper, to call the first meeting of the said institution, at such time and place as he shall judge proper.

Legislative
examination and
control.

SECT. 9. *Be it further enacted*, That the officers and agents of the said institution shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them concerning the same under oath; and the Legislature may, at any time, make such further regulations for the government of said institution as they may deem expedient, and may alter, amend or repeal this act at pleasure. [June 11, 1828.]

Chap. 11.

1827 ch. 132.

AN ACT in addition to an Act, entitled "An Act to establish the Marine Elevating Dock Corporation."

Estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the act, to which this act is in addition, be so far altered, that the amount of personal estate, which said corporation may take and hold, shall not exceed the sum of fifty thousand six

hundred dollars, and that the whole property of said corporation shall not exceed the sum of seventy-five thousand, six hundred dollars, which they may take and hold by virtue of the said act.

SECT. 2. *Be it further enacted*, That the whole property Shares. which said corporation may take and hold, as is in this act provided, shall be divided into one hundred and forty-four shares, not exceeding the value of five hundred and twenty-five dollars each, instead of the number and value of shares in the act to establish the said corporation fixed and provided. [June 11, 1828.]

AN ACT to incorporate the Boston Water Power Cordage Manufactory.

Chap. 12.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Henry Chapinan, Isaac P. Davis, Henry Persons incor- Wainwright, Henry G. Chapman, together with such others as porated. may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Boston Water Power Cordage Manufactory, for the purpose of manu- Powers and facturing cordage in the city of Boston, or in the town of Brook- duties. line ; and for that purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufac- 1808 ch. 65. turing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the said corporation Real and per- may be lawfully seized and possessed of such real estate, not ex- sonal estate. ceeding the value of eighty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cordage.

SECT. 3. *Be it further enacted*, That either of said peti- First meeting. tioners be, and he hereby is, authorized to give notice of the time and place of holding the first meeting of said corporation, by giving personal notice or otherwise, at least five days before such meeting. [June 11, 1828.]

AN ACT to incorporate the Mumford River Association.

Chap. 14.

SECT. 1. *BE it enacted by the Senate and House of Repre- Persons incor- sentatives, in General Court assembled, and by the authority of the same*, That John Capren, Robert Rogerson, Paul Whit- tin, Jr., Effingham L. Capren, and William L. Capren, their as- sociates, successors and assigns, be, and they are hereby made a corporation, by the name of the Mumford River Association, for the purpose of manufacturing cotton and wool in Sutton, in the county of Worcester, and for such purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of 1808 ch. 65. manufacturing corporations,” and the several acts in addition thereto.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the sum of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid, to be appropriated in any manner incident to such manufactures.

First meeting.

SECT. 3. *Be it further enacted*, That any one of the persons mentioned in this act be, and is hereby authorized to appoint the time and place for holding the first meeting of said corporation, and to notify them thereof, either by personal notice, or otherwise. [June 11, 1828.]

Chap. 15.

1827 ch. 110.

An ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Brighton Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the act to which this is in addition, as requires that fifty per centum of the capital stock of said corporation shall be paid in, on or before the first day of June instant, be, and the same hereby is repealed, and that the payment of the said fifty per centum of said capital stock may be made at any time on or before the first day of September next. [June 11, 1828.]
Add. acts, 1829 ch. 105 : 1833 ch. 174 : 1834 ch. 88.

Repeal, &c.

Chap. 16.

An ACT to establish the Lead Pipe Manufacturing Company.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Loring, Samuel Burr, Lincoln Fearing and Moses Prichard, and such other persons as may hereafter be associated with them, their successors and assigns, be, and they hereby are, made a corporation, by the name of the Lead Pipe Manufacturing Company, for the purpose of manufacturing sheet-lead, and lead pipe, in the town of Concord, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Real and personal estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufactory of sheet-lead and lead pipe. [June 11, 1828.]

Chap. 19.

An ACT to incorporate the President, Directors and Company of the Nashua River Bank.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Oliver Fox, Ivers Jewett, A. J. Town, Eben-ezer Torrey, Samuel Willis, Benjamin Snow, Abel Fox, Jonas Marshall, Levi Farwell, Isaac Morse, Zachariah Sheldon, P. S. Snow, and Francis Perkins, with their associates, successors

and assigns, be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Nashua River Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, provisions and taxes, and be entitled to the same rights, privileges, and immunities, as are contained in an act, entitled “an act to incorporate the president, directors and company of the State Bank,” except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited and enacted: *provided, however*, that the amount of bills issued from the said bank shall not, at any one time, exceed the amount of the capital stock actually paid in: *and provided, further*, that the number of directors, to be annually chosen, shall be nine, and who shall be inhabitants of, and residents within the county of Worcester, and shall be accountable for the doings of the whole board, any five of whom may constitute a quorum for the transaction of business.

Powers and duties.

1811 ch. 31.

Proviso.

Number of directors, &c.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in the manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following, that is to say, one half part thereof on or before the first day of December next, and one fourth part thereof on or before the first day of March next, one fourth part thereof on or before the first day of June next thereafter; and no stockholder shall be allowed to borrow any money at said bank until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and no dividend shall be declared on the capital stock of said bank until the whole of said stock shall have been paid in conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered on the books of the corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed, under the seal of the said corporation, and signed by the president or two of the directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *provided, however*, that nothing herein contained shall restrain or prevent the said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debt due to the said corporation: *and provided, further*, that no

Capital stock, shares, &c.

Real estate.

Proviso.

Examination
and return of
capital stock.

monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until the said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the governor for that purpose, whose duty it shall be, at the expense of the said corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that the said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as part of the said capital stock, and to return a certificate thereof to the governor.

Loans to the
Common-
wealth.

SECT. 3. *Be it further enacted*, That whenever the Legislature do require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *provided, however*, that the Commonwealth shall never stand indebted to the said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

First meeting.

SECT. 4. *Be it further enacted*, That the persons herein before named, or any three of them, are hereby empowered to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same, three weeks successively, in any two newspapers printed in the county of Worcester, for the purpose of making and ordaining such by-laws and regulations, not repugnant to the constitution and laws of this Commonwealth, for the orderly conducting the affairs of the said corporation, as the stockholders may deem necessary, and for the choice of the first board of directors, and such other officers as they may see fit to choose and appoint. And the cashier, before he enters upon the duties of his office, shall give bond, with sureties to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with condition for the faithful discharge of the duties of his office.

Cashier to give
bond.

Common-
wealth may sub-
scribe to capital
stock.

SECT. 5. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make a provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature
may appoint di-
rectors.

SECT. 6. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of the corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of di-

rectors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

SECT. 7. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay any *bona fide* holder, the amount of any note of said bank counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate.

Corporation liable to pay original amount of altered notes.

Stereotype plate.

SECT. 8. *Be it further enacted*, That the said corporation, from and after the first day of December next, shall pay, by way of tax, to the treasurer of the Commonwealth, for the use thereof, within ten days after the first Monday of April and October annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Tax.

SECT. 9. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the passing of this act, and in case the said bank shall not be put into operation, according to the provisions thereof, within the year aforesaid, then this act shall be void.

Capital stock not transferable for one year.

SECT. 10. *Be it further enacted*, That the said bank shall be established and kept in the town Fitchburg; and no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, in any other place than at the bank aforesaid: and said corporation shall not, at any place, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Location, &c.

SECT. 11. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and have free access to all their books and vaults, and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void. [June 11, 1828.]

Legislative examination.

An ACT in addition to an Act entitled "An Act to incorporate the President, Directors and Company of the North Bank."

Chap. 20.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the North Bank, be, and hereby are authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each,

1825 ch. 55.

Increase of capital stock.

Proviso. which shall be paid, in such instalments and at such times, as the directors of said bank may direct and determine: *provided, nevertheless*, that the whole amount of said additional capital shall be paid into said bank within one year after the passing this act: *and provided, further*, that before the said corporation shall proceed to do business upon any part of said additional capital, a certificate, signed by the said president and directors, and verified by the oath of the cashier that such part thereof has actually been paid into said bank, shall be filed in the office of the secretary of this Commonwealth.

Certificate to be filed in secretary's office. Additional stock subject to tax, &c. **SECT. 2.** *Be it further enacted*, That the additional stock aforesaid shall be subject to the same taxes, regulations, restrictions and provisions as the present capital stock of said corporation is now liable to, by virtue of the act to which this is an addition. [June 11, 1828.] Add. act, 1830 ch. 58.

Chap. 21. An Act in addition to an Act entitled "An Act to incorporate the President, Directors and Company of the Merchants' Bank."

1827 ch. 62. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so much of the act to which this is in addition as requires that fifty per centum of the capital stock of said corporation shall be paid in, on or before the first day of July next, be and the same hereby is repealed; and that the payment of the said fifty per centum of said capital stock may be made at any time on or before the first day of September next. [June 11, 1828.]

Chap. 22. An Act in addition to an Act entitled "An Act to incorporate the President, Directors and Company of the India Bank."

1827 ch. 121. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so much of the act to which this is in addition, as requires that one fourth part of the capital stock of said corporation shall be paid in, on or before the first day of June, one thousand eight hundred and twenty-eight, be, and the same hereby is repealed; and that the payment of the said one fourth part of said capital stock may be made at any time on or before the first day of September next. [June 11, 1828.]

Chap. 23. An Act to incorporate the First Christian Union Society in Salem.

Persons incorporated. **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Sibley, John Masury, Jonathan C. Taylor, Michael Shepherd, Samuel Randall, Judah Dodge, Thomas F. Beckford, Seth Rogers, John Fausell, James Ball, William Stevens, and all other persons who now are, or hereafter may become proprietors of and in the Christian Union Chapel, lately erected in Salem, in the county of Essex, of which the Reverend Abner Jones is the pastor, their successors and assigns, be, and they hereby are incorporated as a religious society, by the name of "the First Christian Union Society in Salem," with all the privileges, powers and immunities, and subject to all the duties and liabilities, to which parishes and oth-

Powers and duties.

er religious societies are entitled and subjected, by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law to take, hold, possess, manage and dispose of any estate, real and personal, for the use of said society : *provided*, the annual income thereof shall not exceed, at any time, the sum of three thousand dollars. Estate.

SECT. 3. *Be it further enacted*, That at all the meetings of the said society, the proprietor or proprietors of the pews shall be entitled to vote in such manner as shall be agreed upon by the by-laws and regulations of said society. Right of voting.

SECT. 4. *Be it further enacted*, That the said society shall have full power and authority, at any meeting duly called for that purpose, to assess on the pews in the said chapel, all such taxes as they may deem expedient for the maintenance of public worship, and the repairs of said chapel, and for all other parochial charges and expenses, according to the relative value of the said pews, pursuant to the valuation made of the same, and the taxes so assessed shall be a lien on the same pews respectively ; and in case of the non-payment of the said taxes, the said pew or pews respectively, on which the same shall be assessed, shall be forfeited to the said society, and may be sold and conveyed in such manner, and pursuant to such regulations, as the said society shall, by their by-laws, provide and establish. Assessments on pews.

SECT. 5. *Be it further enacted*, That there shall be an annual meeting of the said society, on the first Monday of May in every year, unless some other day shall be prescribed by the by-laws and regulations thereof, at which meeting the said society may choose their officers, who shall hold their offices during one year, and until others are chosen in their stead, and may also raise and assess taxes, and exercise all and any other powers, which under this act of incorporation, the said society are entitled at any time to exercise. Pews forfeited in case of non-payment of assessments.

SECT. 6. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. Annual meeting—officers, &c.

[June 11, 1828.]

AN ACT to incorporate the New England Soap Stone Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Greenwood, Sewall Kendall and Joseph Tilden, and their associates, successors and assigns, shall be, and hereby are, created a corporation, by the name of the New England Soap Stone Company, for the purpose of manufacturing soap stone, in the city of Boston in the county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto. Legislative control.

Chap. 24.

Persons incorporated.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of five thousand dollars, and such personal estate, not exceeding the value of twenty thousand dollars, as may be necessary and convenient for conducting the manufacture aforesaid.

First meeting.

SECT. 3. *Be it further enacted* That the said John Greenwood, be authorized to call the first meeting of said company, by giving notice thereof, in one of the newspapers printed in Boston, seven days before such meeting. [June 11, 1828.]

Chap. 25.

An Act to incorporate the Proprietors of the First Universalist Meeting-House in Lowell.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Bassett, John Andrews and James Price, and others, who have associated, or may hereafter associate with them for the purpose of building a meeting-house, their successors and assigns, be, and they are hereby made a corporation and body politic, by the name of the Proprietors of the First Universalist Meeting-House in Lowell, and by that name may sue and be sued, and may have a common seal, and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the government of said corporation, provided such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

General powers.

Real estate.

SECT. 2. *Be it further enacted*, That the said corporation may purchase and hold real estate, the annual income of which, exclusive of the meeting-house and the land under the same, shall not exceed one thousand dollars; and shall divide their estate into shares, the number of which shall not be less than one hundred nor more than two hundred, and may make and impose all necessary assessments on such shares.

Assessments.

Treasurer to sell shares in case of refusal to pay assessments, &c.

SECT. 3. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment, legally made upon his share or shares, to the treasurer of said corporation, within thirty days after the same shall be made payable, the said treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, after posting notice of the time, place and cause of such sale, at two or more public places in Lowell, and also on said meeting-house door, whenever such house shall have been erected, at least thirty days previous to such sale, to execute a deed or deeds thereof to the purchaser or purchasers, and, after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was payable, and necessary incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor; or the said treasurer may sue and prosecute to final judgment and execution any such delinquent proprietor, for any tax or assessment due and payable on any share or shares of such delinquent proprietor.

SECT. 4. *Be it further enacted*, That there shall be an annual meeting of said proprietors, after the present year, on the second Monday in March, at which they shall elect by ballot, a president, clerk, treasurer, and five trustees, of whom the president shall be one ; and the treasurer and clerk shall be sworn to the faithful discharge of their respective trusts, and, at such meeting, each proprietor, or his agent duly authorized in writing, shall be entitled to as many votes as he holds shares : *provided*, that no one person shall be entitled to more than ten votes.

Annual meeting
—choice of
officers—votes.

SECT. 5. *Be it further enacted*, That it shall be the duty of the clerk of said corporation to keep a record of all the proceedings of said corporation, and of all shares and transfer of shares thereon, and to grant certificates thereof to said proprietors ; and the shares may be transferred under the hand and seal of the proprietors on the back of such certificate.

Clerk's duty.

SECT. 6. *Be it further enacted*, That the Legislature may hereafter, at any time, alter or repeal this act. [June 12, 1828.] See 1833 ch. 191.

Legislative control.

An ACT to incorporate the Trustees of South Reading Academy, in the county of Middlesex.

Chap. 26.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Gustavus F. Davis, Burrage Yale, Lemuel Sweetser, Nathan Richardson, Lilley Eaton, Cyrus P. Grosvenor, James D. Knowles, Howard Malcolm, Nathaniel R. Cobb, Henry Jackson, James Loring, Lucius Bolles, Rufus Babcock, Jr., George Leonard, Michael Webb, Jr., Arthur Drinkwater, Charles O. Kimball, Bela Jacobs, John E. Weston, Samuel S. Mallory, and their associates, be, and hereby are, created a corporation, by the name of the Trustees of the South Reading Academy, in the county of Middlesex ; and that they, and their successors, shall be and continue a body politic and corporate by the same name.

Persons incorporated.

SECT. 2. *Be it further enacted*, That all the monies, lands or other property which shall be given, granted, devised or bequeathed to the said trustees, for the purpose of establishing or maintaining said institution, shall be, and hereby are, confirmed to the said trustees, and their successors in that trust, forever ; and the said trustees may have and hold any estate, real or personal, provided the same shall not exceed in value the sum of thirty thousand dollars, and shall apply the rents, interest and income thereof, in such manner as they shall judge most proper to effect the purposes of the said corporation.

Estate, real or personal.

SECT. 3. *Be it further enacted*, That the said trustees for the time being, or a major part of them, shall have the power to fill all vacancies in said corporation, to elect such instructors and other officers of said academy as they shall judge necessary and convenient, and fix the tenure of their respective offices ; to prescribe the powers and duties of the said instructors and officers, and to make and ordain reasonable rules, orders and by-

Trustees to fill vacancies, elect instructors, &c.

laws, with reasonable penalties, for the government of said institution, provided the same be not repugnant to the constitution and laws of this Commonwealth.

General powers.

SECT. 4. *Be it further enacted*, That the said corporation may have a common seal, which they may at pleasure break or renew, and that all deeds, sealed with such seal, and signed, delivered, and acknowledged by the secretary or clerk of said corporation, by order of said trustees, shall be good and valid in law; and the said corporation may make contracts, sue and be sued in all actions, and prosecute and defend the same to final judgment and execution.

First meeting.

SECT. 5. *Be it further enacted*, That Burrage Yale, or any other justice of the peace for the county of Middlesex, be and hereby is authorized to fix the time and place for holding the first meeting of said trustees, and to notify them thereof.

This act may be altered or repealed.

SECT. 6. *Be it further enacted*, That the Legislature may, at any time hereafter, alter or repeal this act. [June 12, 1828.]

Chap. 27.

An ACT to incorporate the Greenfield Academy for Young Ladies.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Alvord, Ansel Phelps, Daniel Wells, Elijah A. Gould, Cephas Root, George Grennell, Jr., William Elliot, Jr., Albert Jones, Isaac Newton, Isaac Newton, 2d., Henry Chapman, Sylvester Allen, Amasa Barrett, William Wilson, Horatio G. Newcomb, Nathaniel E. Russell, Richard Catlin, Alanson Clark, John J. Pierce, Ambrose Ames, Helaz Alvord, Henry Jones, Spencer Root and Franklin Ripley, together with such persons as may hereafter associate with them, and their successors and assigns forever, be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the Greenfield Academy for Young Ladies, and by that name may sue and be sued, and shall be invested with all the powers, privileges and immunities to which other similar corporations in this Commonwealth are by law entitled, and shall be capable of holding in fee such estate, real and personal, obtained by grant, donation or purchase, as they shall find necessary for the establishment and operation of the academy aforesaid, and the same to grant, sell and convey, in fee simple or otherwise, as the proprietors shall determine, provided that the whole estate of said corporation shall not exceed twenty thousand dollars: *provided, however*, that no proprietor shall have more than ten votes.

Powers and privileges.

Estate.

Proprietors to elect trustees and other officers, annually.

SECT. 2. *Be it further enacted*, That the said proprietors shall be authorized to elect annually, any number of persons, not less than five nor more than fifteen, who shall be trustees of said academy, and continue in office for one year, and until others are chosen in their stead, and accept the trust, and also to choose annually, who shall continue in office as aforesaid, a clerk, treasurer, and such other officers as they shall think proper. The said trustees shall have the general management of the property

and concerns of the corporation. In the choice of trustees, and at all meetings of the proprietors, each proprietor shall be authorized to vote according to the number of his shares, in the same proportion that stockholders of banks are.

SECT. 3. *Be it further enacted*, That the said proprietors shall be authorized to agree upon the mode of transferring shares; and the shares of each proprietor shall be a pledge to the corporation for the payment of all instalments that may hereafter become due. Transfer of shares, &c.

SECT. 4. *Be it further enacted*, That any two of the persons above named be hereby authorized to call the first meeting of the proprietors, by advertising seven days previous, in some public newspaper printed in Greenfield, at which meeting, or at any other meeting duly warned and holden, said proprietors may agree upon the mode of calling future meetings, and adopt a system of by-laws not inconsistent with the laws of this Commonwealth. First meeting.

SECT. 5. *Be it further enacted*, That the Legislature may, at any time hereafter, alter or repeal this act. [June 12, 1828.] This act may be altered or repealed.

An Act in addition to an Act, entitled "An Act to establish the Hoosac Mountain Turnpike Corporation."

Chap. 28.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the said corporation be, and they hereby are discharged from making that part of the road embraced in their act of incorporation, which lies east of the line dividing the county of Franklin from Berkshire, and also that part of said road which lies west of the line dividing the town of Adams from Florida: *provided*, the county commissioners for the counties of Berkshire and Franklin will lay out and construct the part of said road above mentioned which lies within their respective counties, agreeably to the power vested in them by law to lay out public highways. 1826 ch. 89.

Discharged from making road.

Proviso.

SECT. 2. *Be it further enacted*, That instead of the rates of toll provided in the act to which this is in addition, the said corporation shall be authorized to demand and receive of every person travelling on said road, the following rates of toll, to wit: for every coach, phaeton or other four wheel spring carriage, drawn by two horses, forty cents; for each additional horse, ten cents; for each cart or wagon, drawn by two oxen or horses, twenty cents; for each additional horse or ox, ten cents; for each curricule, twenty-five cents; for each chaise, chair or sulky, twenty-five cents; for all four wheel carriages, drawn by one horse, twelve and a half cents; for each sleigh or sled, drawn by two oxen or horses, twenty cents; for each additional ox or horse, five cents; for each sleigh, sled or cart drawn by one horse, twelve and a half cents; for each man and horse, ten cents; for cattle, horses and mules, in droves, one cent each; for sheep and swine at the rate of four cents by the dozen: *provided, however*, that the said corporation may commute the above rates of toll with any person, by taking a certain sum annually, to be mutually agreed on. [June 12, 1828.] Rates of toll.

Proviso.

Chap. 29.

An ACT to incorporate the Widows' Society in Boston.

Persons incor-
porated.

General powers.

Real estate.

Board of mana-
gers, &c.

First meeting.

This act may be
amended or re-
pealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Mehitable Amory and her associates, and those who may become associated with her, be, and they hereby are incorporated into a society, by the name of the Widows' Society in Boston; and by that name, they and their successors shall be a corporation forever, for the purpose of relieving poor and infirm widows, and single women, of good character, with power to sue and be sued, to make, appoint and have a common seal, and the same to alter at pleasure; to make by-laws for the government and advancement of said society, not repugnant to the constitution and laws of this Commonwealth; and they are hereby licensed and empowered to make purchases, and to receive grants, devises and donations of real estate, and the same to improve, lease, exchange, or sell and convey, for the benefit of said society: *provided*, that the value of the real estate of said society shall not exceed twenty thousand dollars, and the annual income of the whole estate, real and personal, shall never exceed five thousand dollars.

SECT. 2. *Be it further enacted,* That the said society shall meet annually, in Boston, at such time as by their by-laws shall be designated, and elect, by ballot, a board of managers, consisting of a first, second and third directress, a secretary, a treasurer, and a committee of twelve ladies.

SECT. 3. *Be it further enacted,* That the said Mehitable Amory be, and she hereby is authorized, by public notice in two of the Boston newspapers, to call the first meeting of said corporation, at such time and place as she shall judge proper, at least three days before the time of the meeting; at which meeting the said corporation shall have all the power vested in them at their annual meeting, but the officers then chosen shall not continue in office longer than the next annual meeting thereafter.

SECT. 4. *Be it further enacted,* That this act may be amended or repealed at the pleasure of the Legislature. [June 12, 1828.]

Chap. 30.

An ACT to cede to the United States the jurisdiction of sites for Light Houses on Dumlup Rock, Nobsque Point, and at the entrance of Edgartown harbour.

Jurisdiction of
Dumpling Rock
granted to U.S.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the jurisdiction of Dumpling Rock, in Buzzard's Bay, be and hereby is granted to the United States of America, for the purpose of erecting a light house on the same: *provided*, that this Commonwealth shall retain, and does hereby retain a concurrent jurisdiction with the United States, in and over the said rock, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said rock, or in any building which may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid.

SECT. 2. *Be it further enacted,* That the United States of

America may purchase any tract of land, not exceeding four acres, which shall be found necessary for the light house, authorized by Congress to be built on Nobsque Point, in the town of Falmouth, and may hold the same during the continuance of the use and appropriation aforesaid, reserving to this Commonwealth concurrent jurisdiction with the United States in and over the said land, in manner and form as set forth in the first section of this act.

United States
may purchase
land on Nobsque
Point ;

SECT. 3. *Be it further enacted*, That the United States of America may purchase any tract of land, not exceeding four acres, which shall be found necessary for the light house and pier, authorized by Congress to be erected on the flats at the entrance of Edgartown harbour, and may hold the same during the continuance of the use and appropriation aforesaid, reserving to this Commonwealth concurrent jurisdiction with the United States in and over the said land, in manner and form as set forth in the first section of this act: *provided*, that all persons who shall dwell upon either of said tracts of land, the jurisdiction of which is hereby granted to the United States, shall be deemed and taken to be inhabitants of the town in which said land may be situated, and shall there do the same duties, and have and enjoy the same privileges, as other inhabitants of such town, saving that they shall not be liable to serve as jurors, or perform military duty. [June 12, 1828.]

—on flats of
Edgartown har-
bour.

Proviso.

An ACT to incorporate the Proprietors of Topsfield Academy.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nehemiah Cleaveland, Samuel Hood, Billy Emerson, Jacob Towne, Jr., Isaac Killam, Moses Wildes, Samuel Gould, Frederick J. Merriam, John Rea, Jr., William N. Cleaveland, Jeremiah Stone, Moses Wright, Edward Hood, Nathaniel Perley, together with such other persons as are now, or hereafter may be associated with them, and their successors and assigns, shall be a corporation, by the name of the Proprietors of Topsfield Academy ; and by that name may sue and be sued, plead and be impleaded, to final judgment and execution, and may have a common seal, and may purchase and hold any real or personal estate, not exceeding thirty thousand dollars in value, and may, at any legal meeting, make and establish rules, orders and by-laws, for the well ordering and governing the affairs of said corporation, provided the same are not repugnant to the laws of this Commonwealth ; and may annex penalties for the breach of any such rules, orders or by-laws ; and the said corporation are hereby vested with all the powers necessary for carrying into effect the purposes of this act.

Chap. 31.

Persons incor-
porated.

Powers and pri-
vileges.

Estate.

SECT. 2. *Be it further enacted*, That the property of said corporation shall be divided into shares, and the proprietors of said shares, at any legal meeting, may make assessments upon the shares, for the use of said corporation, and the same collect, in such way and manner as may be agreed upon ; and all votes shall be determined by a majority of the voters present, count-

Shares, assess-
ments, votes,
&c.

ing one vote for each share, provided no one member, in his own right, shall have more than ten votes ; and the shares of any proprietor, who shall be delinquent in paying any assessment, may be sold at auction for the payment thereof, by the person appointed to collect the same, giving due notice of the time and place of sale, and, after paying the assessments, and all the necessary incidental charges, the overplus money, if any, arising from the sale, shall be paid to the delinquent proprietor ; and the shares in said corporation shall be deemed personal estate, and the proprietors may establish the manner of transferring the same.

Corporation
may appoint
officers, &c.

SECT. 3. *Be it further enacted*, That said corporation may appoint all such necessary officers, and with such authority, as by their by-laws they may establish, for the due management of its affairs, and the regulation of the school.

First meeting.

SECT. 4. *Be it further enacted*, That the said Jacob Towne, Jr., may call the first meeting, and appoint the time and place thereof : *provided, nevertheless*, that nothing in this act shall be so construed as to prevent the Legislature from altering or repealing it, at any time hereafter. [June 12, 1828.]

Proviso.

Chap. 32.

An ACT to change the names of the several persons therein described.

Names chang-
ed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,

Worcester.

Suffolk.

Middlesex.

Essex.

That from and after the passing of this act, the several persons herein named shall be called and known by the names they are hereby respectively allowed to assume, and the same shall be deemed their only proper and legal names, viz :—That Nathaniel Johnson Robbins Summer, of Rutland, in the county of Worcester, may take the name of Robbins Summer ; that Jacob E. H. Richardson may take the name of Charles Elnathan Hammond Richardson ; that Ai Andrews may take the name of Alfred Ai Andrews ; that Thomas H. Bennett may take the name of Henry Joseph Pickering, all of the city of Boston, in the county of Suffolk ;—that Josiah Worcester, of Cambridge, may take the name of Frederick Augustus Worcester ; that Charles Parkhurst, of Framingham, may take the name of Charles Thurston Parkhurst ; that Martha Roulstone, of Charlestown, may take the name of Martha Teel, all of the county of Middlesex ; that Lydia Osgood of Salem, may take the name of Sarah Southwick Osgood ; that Lydia Stocker, of Salem, may take the name of Mary Stocker ; that Edward A. Lummus, of Lynn, physician, may take the name of Edward L. Coffin ; that Joseph Dagget, of Newburyport, may take the name of Joseph Brainerd ; that Ednah Dagget, wife of said Joseph, may take the name of Ednah Brainerd ; that Nathan Haskell Dagget, a minor son of said Joseph Dagget, may take the name of Edward Haskell Brainerd ; and that Samuel Dagget, Joseph Dagget, Charles Henry Dagget, Amos Hale Dagget, other minor sons of said Joseph Dagget, may severally take the surname of Brainerd ; that William Bodwell, Jr., of Andover, may take the name of Hiram Bodwell ; that Caroline Swett, of Newbu-

ryport, may take the name of Caroline Rebecca Swett, all of the county of Essex ;—that Justis F. Hawes, of Worcester, may take the name of Milton J. Adams ; that Asa Whitcomb, 2d., of Bolton, may take the name of Edwin A. Whitcomb ; that Prudence Barker Howe, of Bolton, may take the name of Ellen B. Howe, all of the county of Worcester ;—that Tryphena Trumbull, of South Hadley, may take the name of Mary Trumbull ; that Ezekiel Cheever Whitman, of Goshen, may take the name of Ezekiel Cheever, both of the county of Hampshire ;—that Brownell Little, of Westport, minor son of Nichols Little, may take the name of John Brown Little ; that Warden Babcock, of Troy, may take the name of John Warden Adams, and that the minor children of said Warden Babcock, viz : Hiram Martin Babcock, John Quincy Babcock, and Mary Babcock, may take the surname of Adams, instead of Babcock, all of the county of Bristol ;—and that Samuel Hudson Billings, of Roxbury, may take the name of Charles Henry Billings ; that Moses Tappan, of Hanover, in the county of Plymouth, may take the name of James Moss Tappan ; that George Barney, of Nantucket, in the county of Nantucket, may take the name of George H. Barney. [June 12, 1828.]

An ACT in addition to an Act, entitled “ An Act to incorporate the Fall River Manufacturing Company.”

Chap. 33.

1819 ch. 89.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Fall River Manufactory may hold property not exceeding one hundred thousand dollars in real estate, and one hundred thousand dollars in personal estate, in addition to the sum it is now authorized by law to hold. [June 12, 1828.]

An ACT to incorporate the Revere Copper Company.

Chap. 34.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph W. Revere, and Frederick W. Lincoln, together with such others, as may hereafter be associated with them, and their successors, be, and they are hereby constituted and made a corporation, by the name of the Revere Copper Company, for the purpose of manufacturing copper into any form, whereof copper constitutes the whole, or a component part, in the town of Canton ; and, for that purpose, shall have all the powers and privileges, and also be subject to all the duties and requirements, prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “ an act defining the general powers and duties of manufacturing companies,” and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of one hundred and fifty

Real and personal estate.

thousand dollars, as may be necessary or convenient for carrying on the business of said corporation.

First Meeting. SECT. 3. *Be it further enacted*, That either of the persons named in this act, be, and either of said persons hereby is, authorized, to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof, either by personal notice or otherwise. [June 12, 1828.]

Chap. 35. 1825 ch. 62. An ACT in addition to an Act, entitled "An Act to establish the Pontoosac Turnpike Corporation."

Power to change route. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Pontoosac Turnpike Corporation shall have power, in the laying out, and construction of their road, so to change the route described in their act of incorporation, as to pass from the easterly part of the town of Pittsfield, in the best course, through parts of any or all of the towns of Washington, Hinsdale, Middlefield and Becket, to a point near the mouth of Mill Brook, any thing in the act to which this is in addition to the contrary notwithstanding. [Jan. 22, 1829.] Add. act, 1829 ch. 51.

Chap. 36. An ACT to incorporate the Salem Federal Street Brewery.

Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Brown, Pierce L. Wiggin, William P. Endicott, William P. Lander, E. W. Farrington, Stephen W. Shepard, James Perkins, Richard Savory, Isaac P. Foster, John Howard, Jr., David Perkins, their associates, successors and assigns be, and they are hereby made a corporation, by the name of the Salem Federal Street Brewery, for the purpose of manufacturing malt liquors in the town of Salem, in the county of Essex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, "entitled an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Powers and duties. 1808 ch. 65.

Real and personal estate. SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of twenty thousand dollars exclusive of improvements, and such personal estate, not exceeding the value of thirty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

First meeting. SECT. 3. *Be it further enacted*, That any one or more of the persons mentioned in this act, be, and hereby are authorized to appoint the time and place of holding the first meeting of said corporation, and to notify them thereof, either by personal notice or by an advertisement in some newspaper in said town of Salem, to be published at least ten days before the time of said meeting. [Jan. 22, 1829.]

AN ACT to incorporate the New England Painted Floor Cloth Company.

Chap. 37.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Perkins, Thomas Handasyd Perkins, William Perkins and William Howard Gardner, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the New England Painted Floor Cloth Company, for the purpose of manufacturing painted floor cloths at Roxbury, in the county of Norfolk, and for this purpose shall have all the powers and privileges usually granted to manufacturing corporations, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, "entitled an act defining the general powers and duties of manufacturing corporations," and all other acts passed supplementary thereto, excepting as to the manner of calling the first meeting, as herein after provided.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the capital stock of said company shall not exceed the sum of one hundred thousand dollars, and they may be lawfully seized and possessed of such real estate as may be necessary or convenient for the purpose aforesaid, not exceeding the value of fifty thousand dollars, exclusive of buildings and improvements that may be made thereon by the said corporation.

Capital stock, and real estate.

SECT. 3. *Be it further enacted,* That Samuel Perkins be, and he hereby is authorized to call the first meeting of said corporation, by advertisement in one of the newspapers printed in Boston, in the county of Suffolk, at such time and place as he shall think proper, giving ten days notice thereof, at which meeting by-laws may be passed not repugnant to the laws of this Commonwealth, and the mode of calling future meetings regulated. [Jan. 22, 1829.]

First meeting.

By-laws.

AN ACT to incorporate the Proprietors of the Braintree Lyceum.

Chap. 38.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Richard S. Storrs, Solomon Thayer, Samuel Capen, David Hollis, Benjamin V. French, Stephen Thayer, Samuel Hayden, John Hobart, Jr., Minot Thayer, Charles M. Fogg, Elisha Niles Thayer, Charles Hayward, Ebenezer Denton, David N. Hollis, Josiah Hollis and Charles Dickerman, with their associates, successors and assigns, are hereby made a corporation for literary purposes, by the name of the Braintree Lyceum, and by that name are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, or any other place whatever, and also to have a common seal, and the same to change at pleasure, and also to appoint a treasurer and clerk, with such other officers as they may think expedient, and also to establish such by-laws and regulations as to them shall appear necessary and convenient for the government of said corporation and the prudent management

Persons incorporated.

General powers.

of their affairs : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation are hereby made capable in law to hold and possess real estate to the amount of ten thousand dollars, and personal estate to the amount of five thousand dollars, to be divided into shares not exceeding one hundred dollars each, the net income of which shall be strictly applied to literary purposes connected with the institution.

First meeting.

SECT. 3. *Be it further enacted*, That Samuel Capen be, and he hereby is authorized to call the first meeting of said proprietors, by furnishing each proprietor with a written notification

Proviso.

one week at least before the time of said meeting : *provided*, nevertheless, that this act shall be determinable at the pleasure of the Legislature. [Jan. 26, 1829.]

Chap. 39.

AN ACT to incorporate the Trustees of the Sheldon English and Classical School of Southampton.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Vinson Gould, James K. Sheldon, Elisha Edwards, Jr., Timothy Clark, Luther Edwards, Jr., Silas Sheldon, Theodore Parsons, Theodore Strong, Heman Searl, J. S. Spencer, Sylvester Judd, Jr., Payson Williston, Samuel Edwards, Jr., George Dunlap and Samuel Lyman, and their successors, be, and they hereby are made a body corporate, by the name of the Trustees of the Sheldon English and Classical School of Southampton ; and by that name may sue and be sued, and prosecute and defend suits, with power to have and use a common seal, and to make and ordain reasonable rules and by-laws, for the management and government of said school, and thereby to impose reasonable penalties : *provided*, such rules and by-laws shall not be repugnant to the constitution and laws of this Commonwealth.

General powers.

Donations confirmed to trustees.

SECT. 2. *Be it further enacted*, That all lands, monies, or other property heretofore given or subscribed, for the purpose of establishing or promoting an English and classical school in the town of Southampton, in the county of Hampshire, or which shall hereafter be given or granted to said trustees for such purposes, shall be confirmed to the said trustees and their successors, for the uses in the instruments giving or granting the same expressed, and said trustees shall be capable of taking and holding both real and personal estate, by gift, grant, devise or otherwise, provided the annual income of the same shall not exceed the sum of three thousand dollars ; and shall apply the interest, rents and profits thereof, so as most effectually to promote the designs of the patrons of the institution.

Estate.

Number of trustees, their powers and duties.

SECT. 3. *Be it further enacted*, That the number of said trustees shall never exceed seventeen, nor be less than eleven, and a majority thereof shall belong to the town of Southampton, five of whom shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time ; and

the said trustees shall be the visitors and governors of the institution, shall have power from time to time to elect such officers and instructors as they shall judge necessary and convenient, and fix the tenure of their respective offices, and prescribe their respective duties, and they shall annually elect a treasurer, who shall give bonds to the acceptance of the trustees for the right management of the funds of the corporation, and a secretary who shall be sworn to the faithful discharge of the duties of his office, and they shall have power to remove from office any trustee, when he shall become incapable, by reason of age or otherwise, of discharging the duties of his office, and to fill all vacancies in the board of trustees, provided that a majority of all the trustees shall be necessary to elect or remove a member of the board, and the said trustees may sell and convey by deed, under their common seal, signed, acknowledged and delivered by the secretary of said board, all real estate which they may have a right to sell.

SECT. 4. *Be it further enacted*, That James K. Sheldon, Esquire, be authorized to call the first meeting of said trustees, by publishing notice of the time and place thereof, three weeks successively in the Hampshire Gazette, [or] by giving ten days personal notice to each trustee. First meeting.

SECT. 5. *Be it further enacted*, That this act may be altered or repealed by the Legislature at any time hereafter. [Jan. 27, 1829.] Add. act, 1829 ch. 39.

An Act in addition to an Act entitled "An Act relating to the Public Records in the County of Barnstable."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the first section of the act to which this is in addition, be so far amended, that the times therein allowed to the selectmen of each of the towns in said county, for the registry of deeds, as therein specified, be extended to the first day of May, A. D. one thousand eight hundred and twenty-nine; and also the time for completing the said alphabetical lists of grantors and grantees, as mentioned in said act, is hereby extended to the first day of September, A. D. one thousand eight hundred and twenty-nine, and the records of the same shall be transmitted to the office of the register of deeds of said county, within thirty days thereafter. [Jan. 30, 1829.]

Chap. 40.

1827 ch. 108.

An Act to incorporate the Salem Firemen's Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Stone, Samuel Briggs, John Russell, Daniel Hammond, John Chadwick, Henry K. Oliver, and their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Salem Firemen's Insurance Company, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a

Chap. 41.

Persons incorporated.

- Real estate. common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, they shall not hold real estate exceeding the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for debts due to said company.
- Capital stock and shares. SECT. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of fifty dollars each, one third part of which shall be paid in money, within ninety days from the first meeting of said company, and the residue within two years from and after the first meeting of said company.
- Number and election of directors. SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by seven directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and shall, at the time of their election, be stockholders of said company, and citizens of this Commonwealth, and shall be elected annually on the first Monday of May, at such time and place, within the town of Salem, as a majority of the directors for the time may appoint, of which election public notice shall be given, in any one of the public newspapers printed in said town, ten days immediately preceding such election, and the election shall be made by ballot by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock : *provided*, no stockholder shall have more than ten votes, and absent stockholders may vote by proxy, under such regulations as the company may prescribe.
- Right of voting. SECT. 4. *Be it further enacted*, That the directors so chosen shall meet as soon as may be after every election, and shall choose out of their number one person to be president, who shall be sworn faithfully to discharge the duties of his office during the period for which he is elected, and in case of the death, resignation or inability to serve of the president or any directors, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election, to be notified and held, as is herein before directed, in case of annual elections.
- Choice of president, &c. SECT. 5. *Be it further enacted*, That the president and three of the directors, or four of the directors in the absence of the president, shall be a board competent for the transaction of business, and all questions before them shall be decided by a majority of votes. And they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, in respect to the management and disposition of the stock and property of said company, and the transfer of shares therein, and the powers, duties and conduct of the several officers, clerks and servants employed in the service of the company, and the election of directors, and the making of policies, and all such matters as appertain to the business of insurance : *provided*, such by-laws, rules and regulations be not
- Board of directors.
- Powers of the board.
- Proviso.

repugnant to the constitution and laws of this Commonwealth. And they shall also have power to appoint a treasurer, secretary, and as many clerks and servants as shall be needful, with such compensation to them severally, and to the president, as to them shall seem fit, and they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings against damage to the same by fire, originating in any cause except design in the assured, for such time, and on such conditions, as the parties may agree to : *provided*, that the said company shall not insure, on any one risk, more than ten per centum on the amount of the capital stock paid in. And all policies of insurance by them made, shall be subscribed by the president or two of the directors, and countersigned by the secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of said company, and all losses duly arising under policies so subscribed, may be adjusted and settled by the president and board of directors, or such agent as they shall authorize, and such adjustment shall be binding on said company. Proviso.

SECT. 6. *Be it further enacted*, That the said company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever. Company shall not trade.

SECT. 7. *Be it further enacted*, That once in three years, and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends, and the president and directors of said company shall, when and as often as required by the Legislature of this Commonwealth, lay before the Legislature a statement of the affairs of said company, and submit to an examination concerning the same under oath. Statement to be exhibited to stockholders and Legislature.

SECT. 8. *Be it further enacted*, That it shall be the duty of the directors to make semi-annual dividends of the interest arising from the capital stock, and of the profits of said company, if it should to them appear advisable, but monies received and notes taken for premium of risks, which shall be undetermined, and outstanding, at the time of making any dividend, shall not be considered as part of the profits of said company, and in case of any loss whereby the capital stock shall be lessened, no dividend shall be made until a sum equal to such diminution shall have been added to the capital. Dividends to be made semi-annually.

SECT. 9. *Be it further enacted*, That any three of the persons named in the first section of this act are hereby authorized to call a meeting of the said company in Salem, by advertising the same for two weeks successively in any newspaper printed in said Salem, for the purpose of electing the first board of directors, who shall hold their offices, until another board shall be chosen. First meeting.

SECT. 10. *Be it further enacted*, That the capital stock of said insurance company, or any part of it shall not be sold or transferred during the term of one year after this charter shall be Capital stock not transferable for one year.

put in operation as aforesaid, and in case the same shall not be put in operation, within the year aforesaid, this act shall be void.

LIABILITY TO TAXATION. SECT. 11. *Be it further enacted*, That the said company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. [Feb. 2, 1829.]

Chap. 42. An ACT in addition to an Act to incorporate the Boston and Canton Manufacturing Company.

1824 ch. 35.

Increase of capital stock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Boston and Canton Manufacturing Company, be, and they hereby are empowered to increase their present capital stock by the addition of any sum or sums not exceeding in the whole the further sum of three hundred thousand dollars, the whole capital stock of said company, being at no time to exceed the sum of six hundred thousand dollars. [Feb. 4, 1829.]

Chap. 43.

An ACT to incorporate the Woodbridge Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Strong, Maltby Strong, and Daniel W. Lamb, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of [the] Woodbridge Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn and cloth, in the town of South Hadley, in the county of Hampshire, and, for that purpose, shall have all the powers and privileges, and shall be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine "entitled an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said Woodbridge Manufacturing Company may lawfully hold and possess such real estate not exceeding fifty thousand dollars in value, and such personal estate not exceeding one hundred thousand dollars in value as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 4, 1829.]

Chap. 44.

An ACT to incorporate the Willimansett Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Stephen C. Bemis, Joseph B. Sheffield, Albert Burgess, and David Temple, their associates, successors and assigns, be, and they hereby are made a corporation by the name of the Willimansett Manufacturing Company, for the purpose of manufacturing, in the town of Springfield, in the county of Hampden, machine and other cards, machinery, and edge tools, together with all or any articles, which may be manufactured from iron and steel; and, for the purposes aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled "an act, defining the general powers and duties of manufacturing corpora-

Powers and duties.

1808 ch. 65.

tions," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding in value twenty thousand dollars, and such personal estate not exceeding in value forty thousand dollars, as may be necessary for the purposes aforesaid. [Feb. 6, 1829.]

Real and personal estate.

An ACT to incorporate the East Congregational Society in Ware, into a Parish.

Chap. 45.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That that part of Ware, herein after described, be, and hereby is formed into a separate and distinct parish, and shall be designated and known by the name of the East Parish in Ware, and shall be bounded as follows, viz : beginning at a stake and stones on Palmer line, being the southeast corner of Samuel Gould's home farm, thence westerly on the south line of said Gould's home farm, to Ware river, so called, thence up said river to the mouth of Muddy Brook, so called, thence up said Muddy Brook, to the county road leading from Ware to New Braintree, thence easterly on said road to a stake and stones at the turn in said road, a little easterly of Cyrus Brown's dwelling-house, thence easterly to the northwest corner of the farm lately owned by Darius Eaton, deceased, thence easterly on the north line of said farm, to Brookfield line, thence southerly on said Brookfield line to Western line, thence southerly on said Western line to Palmer line, thence on said Palmer line to the bound first mentioned.

Name and boundary.

SECT. 2. *Be it further enacted*, That all the inhabitants within the limits and boundaries aforesaid, shall be considered as belonging to said East Parish, and that all the property within said limits, both real and personal, shall be taken and considered for all parochial purposes as belonging to said East Parish, in the same manner as property is by the laws of this Commonwealth deemed and taken to belong to the oldest religious society in each town, and the said parish is hereby invested with all the powers, rights, privileges and immunities, and subject to all the liabilities with which other parishes in this Commonwealth are invested and subjected: *provided, however*, that nothing in this act shall prevent any person from becoming a member of any other religious society, or of said East Parish, agreeably to the existing laws of this Commonwealth.

Powers and privileges.

Proviso.

SECT. 3. *Be it further enacted*, That Homer Bartlet, Benjamin Paige and Alpheus Dimond, Esqrs., or a major part of them, are hereby authorized to call the first meeting of said parish, by posting up an attested copy of their warrant for that purpose, at the meeting-house, in said East Parish, seven days at least before said meeting, specifying the time, place and purposes of the same. [Feb. 6, 1829.]

First meeting.

Chap. 46. An ACT to incorporate the Proprietors of the Second Congregational Meeting-house in Lowell.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Morse, the second, Josiah Crosby, Joel Davis, Asa W. Pollard and Joseph Farwell, and others, who have associated or may hereafter associate with them, for the purpose of building a meeting-house, their successors and assigns, be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the Second Congregational Meeting-house in Lowell, and by that name may sue and be sued, and may have and use a common seal, and may ordain and establish such by-laws and regulations as to them may seem necessary and convenient for the government of said corporation: *provided*, such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

General powers.

Estate and shares.

SECT. 2. *Be it further enacted,* That the said corporation may purchase and hold real and personal estate, the annual income of which, exclusive of the meeting-house and land under the same, shall not exceed one thousand dollars, and shall divide their estate into shares, the number of which shall not be less than one hundred nor more than two hundred, and may make and impose all necessary assessments on such shares.

Treasurer authorized to sell shares of delinquents, &c.

SECT. 3. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any assessment legally made upon his share or shares, to the treasurer of said corporation, within thirty days after the same shall be made payable, the said treasurer is hereby authorized to sell, at public vendue, the share or shares of such delinquent proprietor, after posting notice of the time, place and cause of such sale, at two or more public places in Lowell, and also on said meeting-house door, whenever such house shall have been erected, at least thirty days previous to such sale; to execute deed or deeds thereof to the purchaser or purchasers, and after deducting the amount of such delinquent's assessment, together with legal interest thereon from the time the same was payable, and necessary incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor, or the said treasurer may sue and prosecute, to final judgment and execution, any such delinquent proprietor, for any tax or assessment due and payable on any share or shares of such delinquent proprietor.

Annual meeting.

SECT. 4. *Be it further enacted,* That there shall be an annual meeting of said proprietors after the present year, on the second Monday in March, at which they shall elect by ballot a president, clerk, treasurer and five trustees, of whom the president shall be one, and the treasurer and clerk shall be sworn to the faithful discharge of their respective trusts, and at such meeting each proprietor or his agent, duly authorized in writing, shall be entitled to as many votes as he holds shares: *provided*, that no one person shall be entitled to more than ten votes.

Right of voting.

Clerk's duty.

SECT. 5. *Be it further enacted,* That it shall be the duty of

the clerk of said corporation to keep a record of all the proceedings of said corporation, and of all shares and transfer of shares therein, and to grant certificates thereof to said proprietors, and the shares may be transferred under the hand and seal of the proprietors on the back of such certificate.

SECT. 6. *Be it further enacted*, That any justice of the peace, in the county of Middlesex, be, and hereby is authorized to issue his warrant to some one of the said proprietors, for the purpose of calling the first meeting to elect officers and organize said corporation, at such convenient time and place as he shall direct, at which meeting said proprietors may agree upon the manner of calling and notifying future meetings. First Meeting.

SECT. 7. *Be it further enacted*, That this act shall be subject to revision or repeal at the will of the Legislature. [Feb. 6, 1829.] Legislative control.

An Act to set off a certain Tract of Land from the Town of Marlborough, in the County of Middlesex, and to annex the same to the Town of Bolton, in the County of Worcester.

Chap. 47.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a certain tract of land, owned by Daniel Stratton, containing about one acre, bounded and described as follows, to wit: beginning at a pile of stones at a corner bound of the towns of Stow and Marlborough, and on the line of the said town of Bolton, thence running south fifteen and a half degrees east, five rods and seventeen links, to a stake and pile of stones, thence south, twenty-five degrees west, seventy-five rods and eighteen links, to a pile of stones on the northerly side of a road, at an angle in the line between the towns of Marlborough and Bolton, thence running on the line between said towns to the first mentioned boundary, be, and the same is hereby set off from the town of Marlborough, in the county of Middlesex, and annexed to the town of Bolton, in the county of Worcester; and that the persons dwelling on the said tract of land hereafter shall be considered inhabitants of said town of Bolton. [Feb. 11, 1829.]

Boundary.

An Act to incorporate the Newburyport Mutual Fire Insurance Company.

Chap. 48.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer Mosely, Luther Waterman, John Greenleaf, William Bartlet, Moses Davenport, William Davis, William C. Williams, Aaron Davis, Enoch Osgood, Samuel Newman, Thomas M. Clark, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Newburyport Mutual Fire Insurance Company, with powers and privileges incident to such corporations, for the term of twenty-eight years.

Persons incorporated.

SECT. 2. *Be it further enacted*, That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said corporation may insure, for the term of one to seven years, any buildings, goods, furniture, books or effects, to any amount not exceeding three quarters of the value of the property insured.

When to insure.

Officers, by-laws, votes.

SECT. 3. *Be it further enacted*, That said corporation may choose such officers, and establish such by-laws, as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth, and each member shall have as many votes as he has policies, and may vote by proxy.

Investment and appropriation of funds.

SECT. 4. *Be it further enacted*, That the funds of said corporation shall be vested in stocks, or loaned on such security as the directors may order, and shall be appropriated first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy : in case any member shall have a just claim upon the corporation, exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed treble the amount of such premiums and deposits.

Satisfaction of executions, &c.

SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds ; but if sufficient estate or funds cannot be found, he may levy the same on the private property of any of the directors : *provided*, they first refuse or neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose, and any director, whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor.

Policy to create a lien.

SECT. 6. *Be it further enacted*, That each policy of insurance shall, of itself, without any other ceremony, create a lien on any building insured, and on the land under it, for the payment of the premium stipulated in said policy, and of all assessments lawfully made by virtue thereof, and this provision shall not prevent the taking of other collateral security.

Proceedings in case of resort to lien.

SECT. 7. *Be it further enacted*, That in case it should become necessary to resort to the lien, or the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession, and in case of non-payment, the corporation may sustain an action for any sum due, either on the deposit note, or by assessment, and their execution may be levied on the premises insured, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice, and proceeding in the same manner, as is required in the sale of equities of redemption on execution, and the owner shall have a right to redeem the estate, by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Liability to taxation.

SECT. 8. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions, and any member named in this

First meeting.

act may call the first meeting, by advertising the same in any newspaper published in Newburyport. [*Feb. 11, 1829.*]

An ACT to incorporate the Wales Woollen Manufacturing Company.

Chap. 49.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Bela Tiffany, Oliver Wales and Hiram Watkins, together with such others as now have associated or may hereafter associate with them, their successors and assigns, be, and are hereby made a corporation, by the name of the Wales Woollen Manufacturing Company, for the purpose of manufacturing woollen and cotton yarn, and cloths, in the town of Wales, in the county of Hampden; and, for this purpose, shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said Wales Woollen Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate as may be necessary and convenient for carrying on said manufactures: *provided,* that the value of such real estate shall not exceed the sum of fifty thousand dollars, and that the value of such personal estate shall not exceed the sum of fifty thousand dollars. [Feb. 13, 1829.]

Real and personal estate.

An ACT to incorporate the Newburyport Hosiery Manufacturing Company.

Chap. 50.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Brickett, Charles Butler, Eben'r Bradbury, John O. W. Brown, William Kimball, Nathan Follansbee, John Dodge, Jr., Moody Pearson and William Davis, Jr., with such other persons as have already or who may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Newburyport Hosiery Manufacturing Company, for the purpose of manufacturing hosiery and all descriptions of warp frame work, at Newburyport, in the county of Essex; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed fifty thousand dollars, and that it may be seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid not exceeding the value of ten thousand dollars. [Feb. 13, 1829.]

Capital stock and real estate.

Chap. 51.

An ACT to incorporate the Bristol County Mutual Fire Insurance Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Crocker, Alfred Williams, John M. Williams, Charles Richmond, Francis Baylies, Jesse Smith, William Reed, Farnum A. Sumner, John W. Seabury, Nathaniel Crandell, Dan Wilmarth, Jr., James Sproat, Henry Washburn, Charles Godfrey, William Hodges, Job Godfrey, William A. F. Sproat, David G. W. Cobb, Horatio Leonard and Thomas C. Brown, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Bristol County Mutual Fire Insurance Company, with powers and privileges incident to such corporations, for the term of twenty-eight years.

When to insure.

SECT. 2. *Be it further enacted,* That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said corporation may insure, for the term of one to seven years, any buildings, goods, furniture or books, to any amount, not exceeding three quarters of the value of the property insured.

Choice of officers, &c.

SECT. 3. *Be it further enacted,* That said corporation may choose such officers, and establish such by-laws, as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth, and each member shall have as many votes as he has policies, and may vote by proxy.

Funds how
vested and ap-
propriated.

SECT. 4. *Be it further enacted,* That the funds of said corporation shall be vested in stocks, or loaned on such security as the directors may order, and shall be appropriated first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed treble the amount of such premiums and deposits.

Satisfaction of
executions, &c.

SECT. 5. *Be it further enacted,* That whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds, but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the directors: *provided,* they first refuse or neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose; and any director, whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor.

Proviso.

Policy to create
a lien.

SECT. 6. *Be it further enacted,* That each policy of insurance, shall of itself, without any other ceremony, create a lien on any building insured, and on the land under it, for the payment of the premium stipulated in said policy, and of all as-

sessments lawfully made by virtue thereof, and this provision shall not prevent the taking of other collateral security.

SECT. 7. *Be it further enacted*, That in case it should become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession, and in case of non-payment, the corporation may sustain an action for any sum due, either on the deposit note or by assessment, and their execution may be levied on the premises insured, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice and proceeding in the same manner as is required in the sale of equities of redemption on execution, and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent interest thereon, within one year from such sale.

Proceedings in case of resort to the lien.

SECT. 8. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions, and any member named in this act may call the first meeting by advertising the same in any newspaper printed in the county of Bristol. [Feb. 13, 1829.]

Liability to taxation.

First meeting.

AN ACT to incorporate the Trustees of Partridge Academy in Duxbury.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Allyn, of Duxbury, Zephaniah Willis, of Kingston, James Kendall of Plymouth, Samuel A. Frazier, of Duxbury, and John Seaver, of Kingston, with their associates and successors, are hereby appointed and confirmed Trustees of Partridge Academy in Duxbury, to receive, hold, manage and improve, all the estate bequeathed to the said trustees, in trust by George Partridge, Esq., late of said Duxbury, deceased, in and by his last will and testament, for the establishment of an academy in said Duxbury, and shall constitute a body politic and corporate, for the due and faithful execution of said trust, and shall be vested with all the powers incident to corporations, necessary and requisite for that purpose.

Chap. 52.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said trustees, for the time being, shall be the visitors and governors of said institution, shall have full power, from time to time, to elect such officers thereof as they shall judge proper, and fix the tenure of their respective offices, to remove from office any trustee when he shall become incapable, from age or otherwise, of discharging the duties of his office, to fill all vacancies in the board of trustees, to make all reasonable rules, orders and by-laws, with reasonable penalties, provided the same be not repugnant to the constitution and laws of this Commonwealth, and generally to perform whatever is incumbent on them to effect the intention of the donor, to increase the number of said trustees if they see fit, to any number not exceeding eleven.

Powers of the trustees, election of officers, &c.

SECT. 3. *Be it further enacted*, That the said trustees shall choose, annually, one of their number as treasurer, who shall

Treasurer.

- give bonds to the acceptance of the trustees, and the treasurer, for the time being, shall, under the direction of the trustees, and by virtue of the will aforesaid, receive, invest, and pay out, from time to time, the money bequeathed, and the trustees are hereby empowered to choose, annually, a clerk, who shall be duly sworn to the faithful performance of the duties of his office.
- Clerk.
- Donations. SECT. 4. *Be it further enacted*, That the said trustees, besides the money bequeathed as aforesaid, may receive, manage and improve, all subscriptions, grants and donations, of real and personal estate, that may hereafter be made for the use and benefit of the said institution: *provided*, that such subscriptions, donations and grants shall not exceed the sum of twenty thousand dollars, in addition to the bequest aforesaid.
- Proviso.
- First meeting. SECT. 5. *Be it further enacted*, That Samuel A. Frazier, be, and is hereby authorized and empowered, to call the first meeting of the trustees, and to give them notice thereof.
- Legislative control. SECT. 6. *Be it further enacted*, That this act may be altered or repealed by the Legislature at any future time. [*Feb. 13, 1829.*]

Chap. 53.

An Act to incorporate the Massic Falls Manufacturing Company.

- Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joel Stone, Jr., Zacheus Fletcher, Horatio Boyden, Amos Hodgman, Lowell Adams, and Moody Thompson, with their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Massic Falls Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, iron and paper, in the town of Lowell, and county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations" and the several acts in addition thereto.
- Powers and privileges.
- Real and personal estate. SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value the sum of one hundred thousand dollars, as may be necessary and convenient for the purpose aforesaid.
- First meeting. SECT. 3. *Be it further enacted*, That any one of the persons named in this act, be, and either of said persons is, hereby authorized to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof to the others, either in person or writing, any thing in the second section of the act aforesaid defining the general powers and duties of manufacturing corporations to the contrary notwithstanding. [*Feb. 13, 1829.*]

AN ACT to incorporate the Proprietors of the Round Hill Institution.

Chap. 56.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph G. Cogswell, George Bancroft, and Isaac C. Bates, with their associates, successors and assigns, be and they hereby are made a body politic and corporate, by the name of the Proprietors of the Round Hill Institution, in the town of Northampton, in the county of Hampshire, for the advancement of the purposes of education and instruction in the liberal sciences and arts; and the said corporation shall have power, from time to time, to choose a clerk, treasurer, and such other officers as they may judge necessary, may have a common seal, which they may alter or renew at their pleasure; may make contracts, sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, and may make and establish any by-laws, rules and regulations for the government of their affairs, for the division of their property into shares, and for the sale and transfer thereof: *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That said corporation may lawfully hold and possess such real estate not exceeding in value the sum of sixty thousand dollars, and such personal estate not exceeding in value the sum of sixty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Real and personal estate.

SECT. 3. *Be it further enacted,* That said corporation may, from time to time, at any legal meeting called for the purpose, assess upon each share in the capital stock such sum or sums of money as they may judge expedient for the objects of the corporation, and defraying the expenses thereof, to be paid to the treasurer, at such times as they may direct; and if any proprietor shall neglect to pay any such assessment for the space of ten days after such time of payment, it shall be lawful for the treasurer to sell, at public vendue, such part of the shares of such delinquent proprietor as may be sufficient to pay such assessments, with incidental charges, giving notice in a newspaper printed in said Northampton, of the time and place of sale, and the sum due on each share, three weeks successively, before the day of sale, and such sale shall be a legal transfer of the share or shares so sold to the purchaser thereof.

Assessments.

Treasurer authorized to sell delinquent's shares.

SECT. 4. *Be it further enacted,* That any one of the persons named in this act may call the first meeting of said corporation, by personal notice of the time and place of meeting, given to each of the persons named herein, ten days before the time of meeting.

First meeting.

SECT. 5. *Be it further enacted,* That the Legislature may, at any time, alter or repeal this act. [Feb. 18, 1829.]

Legislative control.

AN ACT to incorporate the Trustees of the Hanover Academy.

Chap. 57.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Alexander Wood, Horatio Cushing, John B. Barstow, Samuel Tolman, Jr., and Horace Collamore, and their

Persons incorporated.

General powers.

successors, be, and they hereby are made a body corporate, by the name of the Trustees of the Hanover Academy; and by that name may sue and be sued, and prosecute and defend suits, with power to have and use a common seal, and to make and ordain reasonable rules and by-laws for the management and government of said academy, and thereby to impose reasonable penalties: *provided*, such rules and by-laws shall not be repugnant to the constitution and laws of this Commonwealth.

Estate.

SECT. 2. *Be it further enacted*, That all lands, monies, or other property heretofore given or subscribed for the purpose of establishing or promoting an academy in the town of Hanover, in the county of Plymouth, or which shall hereafter be given or granted to said trustees, for such purposes, shall be confirmed to said trustees and their successors, for the uses in the instruments giving or granting the same expressed, and said trustees shall be capable of taking and holding both real and personal estate, by gift, grant, devise or otherwise: *provided*, the annual income of the same shall not exceed the sum of two thousand dollars, and shall apply the interest, rents and profits thereof, so as most effectually to promote the design of the patrons of the institution.

Proviso.

Number and powers of the trustees.

SECT. 3. *Be it further enacted*, That the number of said trustees shall never exceed seventeen, nor be less than eleven, and five of whom shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time, and the said trustees shall be the visitors and governors of the institution, shall have power from time to time to elect such officers and instructors as they shall judge necessary and convenient, and fix the tenure of their respective offices, and prescribe their respective duties, and they shall annually elect a treasurer, who shall give bonds to the acceptance of the trustees, for the right management of the funds of the corporation, and a secretary, who shall be sworn to the faithful discharge of the duties of his office, and they shall have power to remove from office any trustee, when he shall become incapable, by reason of age or otherwise, of discharging the duties of his office, and to fill all vacancies in the board of trustees: *provided*, a majority of all the trustees shall be necessary to elect or remove a member of the board; and the said trustees may sell and convey by deed, under their common seal, signed, acknowledged and delivered by their secretary, all real estate which they may have a right to sell.

Proviso.

First meeting.

SECT. 4. *Be it further enacted*, That Alexander Wood, Esq., be authorized to call the first meeting of said trustees, by publishing notice of the time and place thereof, three weeks successively in the Old Colony Memorial, and by giving ten days personal notice to each trustee.

Legislative control.

SECT. 5. *Be it further enacted*, That this act may be altered or repealed by the Legislature at any time hereafter. [Feb. 18, 1829.]

AN ACT to incorporate the Lowell Institution for Savings.

Chap. 58.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Warren Colburn, Samuel Bachelder, Phineas Whiting, Paul Moody, Theodore Edson, James G. Carney, Nathaniel Wright and John Avery, together with such other persons as have associated, or may hereafter associate with them, be, and they hereby are constituted a corporation, by the name of the "Lowell Institution for Savings," and shall so continue for the term of thirty years.

Persons incorporated.

SECT. 2. *Be it further enacted,* That said corporation shall be capable of receiving from any person disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes and according to the directions herein provided.

Deposits.

SECT. 3. *Be it further enacted,* That all deposits of money received by said corporation, shall be by them used and improved to the best advantage, and the income and profit thereof shall be applied and divided among the persons making the said deposits, their executors, administrators or assigns, in just proportion, and the principal of such deposits may be withdrawn at such times and in such manner as said corporation shall direct and appoint.

Use of deposits and application of income.

SECT. 4. *Be it further enacted,* That said corporation may, at any legal meeting, have power to elect by ballot any other persons as members of said corporation.

Election of members.

SECT. 5. *Be it further enacted,* That the said corporation may have a common seal, which they may change at pleasure; that all deeds, grants, covenants and agreements made by their treasurer, or any other person by their authority, shall be good and valid; and the said corporation shall at all times have power to sue, and may be sued, and defend, and be held to answer, by the name aforesaid.

Common seal.

SECT. 6. *Be it further enacted,* That the said corporation shall hereafter meet at Lowell, some time in the month of May, annually, and as much oftener as they may judge expedient, and any seven members of the said corporation, the president, secretary or treasurer being one, shall be a quorum; and the said corporation, at their annual meeting, shall have power to elect a president, and a treasurer, who shall give bond in the sum of ten thousand dollars for the faithful discharge of the duties of his office, and all such other officers as to them shall appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their stead; and all officers, so chosen, shall be under oath to the faithful discharge of the duties of their offices respectively.

Meetings, choice of officers, &c.

SECT. 7. *Be it further enacted,* That said corporation may make by-laws for the more orderly management of their business, provided the same be not repugnant to the constitution and laws of this Commonwealth; and the Legislature may at any time make such further regulations for the government of said institution as they may deem expedient.

By-laws.

First meeting.

SECT. 8. *Be it further enacted*, That either of the persons named in the first section of this act, may, by a public notification in the newspaper printed in Lowell aforesaid, call the first meeting of said corporation, at such time and place as he shall judge proper.

Legislative control.

SECT. 9. *Be it further enacted*, That the Legislature may, at any time hereafter, alter, amend or repeal this act. [Feb. 20, 1829.]

Chap. 59.

AN ACT to authorize David Dimmick and others to build a Wharf in the Town of Sandwich.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Dimmick, Junior, Ebenezer Nye, Freeman Wing and D. Lawrence, and their associates, be, and they hereby are authorized to erect and maintain a wharf, at a place called Red Brook landing, in said town of Sandwich, and the same to extend below low water mark, as far as may be necessary for the accommodation of such vessels as usually load and unload at said landing: *provided, however*, that the proprietors of said wharf shall never exact any greater rates of wharfage than the following, viz: eight cents per cord for wood and bark, eight cents per thousand for lumber, four cents for hogsheads, one cent for barrels, and for other articles eight cents per ton, except grain, which shall be one fourth of one cent per bushel.

Rates of wharfage.

Legislative control.

SECT. 2. *Be it further enacted*, That this act may be altered, amended or repealed, at the pleasure of the Legislature. [Feb. 20, 1829.]

Chap. 61.

AN ACT to incorporate the Hampshire Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William P. Greene, Joseph Russell and Thomas Dixon, together with such others as now have, or may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation, by the name of the Hampshire Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn and cloth in the town of Ware, in the county of Hampshire, and of making and selling machinery, castings and gearing, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said Hampshire Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate as may be necessary and convenient for carrying on the said manufactures: *provided*, the value of such real estate shall not exceed two hundred thousand dollars, and the value of such personal estate shall not exceed three hundred thousand dollars. [Feb. 20, 1829.]

An Act ceding to the United States permission to erect a Breakwater, near the mouth of the River Merrimack, and jurisdiction over a Tract of Land necessary for that purpose.

Chap. 63.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the consent of this Commonwealth be, and the same is hereby granted to the United States, to construct a pier or breakwater, near the mouth of the river Merrimack, in the town of Newbury, in the following described limits, to wit:—Beginning at a point near the northern extremity of Plum Island, thence running westerly to Woodbridge's Island, thence westerly across Woodbridge's Island aforesaid, thence westerly to a point at least two thousand five hundred feet short of Company or Coffin's wharf, in Newburyport. Also, to take and hold the land necessary for the purposes of said pier and breakwater, being a tract extending in length not further than the limits herein before described, and in breadth not more than fifty feet: *provided*, that a plan or map of said premises be deposited in the office of the secretary of state of this Commonwealth, and that this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far that all civil and criminal process, issued under the authority of this Commonwealth, or of any officer thereof, may be executed on any part of said premises, as fully and effectually, as if this act had not been passed: *and provided, also*, that the courts of this Commonwealth shall have jurisdiction of all offences against the laws thereof, committed on said land, in the same manner as if this act had not been passed.

Land ceded to U. S. for a breakwater.

Provisos.

SECT. 2. *Be it further enacted*, That all persons whose land shall be taken by the United States, their agents or commissioners, for the purpose of constructing said pier or breakwater, shall be entitled to compensation: the amount of said compensation, if the parties cannot agree thereon, to be ascertained in the way prescribed by law for damages sustained by individuals whose lands are taken for public roads in this Commonwealth. [Feb. 20, 1829.]

Compensation.

An Act to authorize the placing of Moorings in Holmes Hole Harbour.

Chap. 65.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the passing of this act, it shall be the duty of the wardens of the port and district of New Bedford, upon application of any owner of any vessel in the towns of Edgartown and Tisbury, in Dukes county, to grant a license to such owner, if they shall see fit, after having personally examined into the propriety of granting the same, to place any mooring or moorings in Holmes Hole harbour, and said moorings shall be of such construction, and shall be put in such places, as the wardens aforesaid may direct: *provided, however*, that the wardens aforesaid shall not authorize the placing of any mooring in a greater depth of water than twelve feet; and each of said wardens shall be entitled to a compensation for his ser-

Wardens to grant licenses for moorings.

Proviso.

Moorings con-
tinued.

vices, not exceeding three dollars for each and every day he may be employed in performing the duties required by this act.

SECT. 2. *Be it further enacted*, That it shall and may be lawful for the owners of any moorings already placed in Holmes Hole harbour, to continue the same, if they shall be authorized thereto by the license of the wardens aforesaid, in the manner herein before prescribed. [Feb. 20, 1829.]

Chap. 66.

1827 ch. 122.

Time for pay-
ing in capital
stock extended.

An ACT in addition to an Act to incorporate the President, Directors and Company of the Sutton Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the second section of the act to which this is in addition, as requires the payment of fifty thousand dollars of the capital stock of said corporation on or before the first day of March next, be, and the same is hereby repealed, and the said fifty thousand dollars shall be paid in gold and silver in the manner following: twenty-five thousand dollars on or before the first day of June next, and the remaining twenty-five thousand dollars on or before the first day of October next. [Feb. 20, 1829.] Original act repealed 1829 ch. 64.

Chap. 67.

1827 ch. 131.

Time for pay-
ing in capital
stock extended.

An ACT in addition to an Act entitled "An Act to incorporate the President, Directors and Company of the Central Bank in Worcester."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time be granted to said corporation for paying in their capital stock, and that the same may be paid in at such time or times as said corporation shall direct: *provided*, that fifty thousand dollars thereof be paid into said bank in specie, and the bank be put into operation according to the original charter, on or before the first day of July next, and the remainder within six months thereafter. [Feb. 20, 1829.] Add. act, 1830 ch. 58.

Chap. 68.

Persons incor-
porated.

Powers and pri-
vileges.

Estate.

By-laws.

An ACT to incorporate the Charles Street Baptist Society in the City of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Goddard, Ward Jackson, John M. Peck, Daniel R. Griggs, William W. Blake, William Beals and John B. Jones, with their associates and successors, be, and they are hereby incorporated as a religious society, in the city of Boston, by the name of the Charles Street Baptist Society, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth, and subject to all the duties and liabilities to which other religious societies are subject.

SECT. 2. *Be it further enacted*, That said society shall be capable in law to purchase, hold and dispose of any estate, real or personal, for the use of said society: *provided*, the income thereof shall not, at any time, exceed the sum of three thousand dollars per annum.

SECT. 3. *Be it further enacted*, That said society shall

have power to establish such regulations, rules and by-laws for their government, and for the management of their concerns, as they may see fit, provided the same are not repugnant to the constitution and laws of this Commonwealth. [*Feb. 20, 1829.*]

An ACT to alter and establish the Boundary Line between the Towns of Rutland and Paxton.

Chap. 69.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That instead of the present boundary line between the towns of Rutland and Paxton in the county of Worcester, the following line be established and known as the boundary line between said towns, to wit :—beginning at a stone monument at the southeasterly corner of the said town of Rutland, on the line between the towns of Holden and Paxton, and from thence running south eighty degrees, west, thirty and one half rods, to a stone monument at the road near the dwelling-house of Stephen Fessenden, thence running south, sixty-eight degrees and twenty minutes, west, six hundred and forty-nine rods, to a stone monument between the dwelling-houses of Samuel Chickering of said Rutland, and of John T. Metcalf of said Paxton, thence running south eighty-eight degrees and one half, west, three hundred and ten rods, to a stone monument at the northwesterly corner of the said town of Paxton.

Boundary line.

SECT. 2. *Be it further enacted,* That no past settlement of a pauper shall be altered or affected by the alterations of the line between said towns. [*Feb. 20, 1829.*]

Settlement of paupers.

An ACT to incorporate the Warren Institution for Savings, in the Town of Charlestown.

Chap. 70.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Stetson, John Sweetser, Loammi Kendall, Elisha L. Phelps, Joseph Hunnewell, John M. Robertson, Lot Pool, James K. Frothingham, Henry Jaques, Simeon Flint, Edward Adams, Joseph Carter, Thomas Pike, Reuben Hunt, John Gregory, Benjamin Brintnall and Benjamin Whipple, and such others as may be duly elected, and their successors, be, and they are hereby incorporated into a body politic, by the name of the Warren Institution for Savings.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said corporation shall be capable of receiving, from any person or persons disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

Deposits.

SECT. 3. *Be it further enacted,* That all deposits of money received by said institution, shall be by them improved to the best advantage, and be invested in such manner as best to promote the objects of the institution, and the income or profit thereof shall be by them divided among the persons making the said deposits, their executors, administrators or assigns, in just

Income of deposits.

proportion, with reasonable deductions for expenses, and the principal of such deposits may be withdrawn at such times, and in such manner, as the said institution shall direct and appoint.

Membership.

SECT. 4. *Be it further enacted*, That the said corporation shall, at any legal meeting, have power to elect by ballot any other person or persons as members of said institution, and any member, upon filing a written notice with the president thereof, three months prior, may, upon any annual meeting of said corporation, withdraw and forever dissolve his connection with the same.

General powers.

SECT. 5. *Be it further enacted*, That the said corporation may have a common seal, which they may alter and renew at pleasure, and that all deeds, conveyances, grants, covenants, contracts and agreements, made by their treasurer or any other person or persons by their authority and direction, shall be good and valid, and the said corporation shall, at all times, have power to sue and may be sued, and may defend, and shall be held to answer by the name, style and title aforesaid.

Meetings.

SECT. 6. *Be it further enacted*, That the said corporation shall hereafter meet at Charlestown, some time in the month of April, annually, and at such other times as the corporation may direct, and any nine members of said corporation, the president, treasurer or secretary being one, shall be a quorum, and the said corporation, at their first meeting, and at their meetings in April annually, shall have power to elect, by ballot, a president, and a treasurer, who shall give bond in the sum of ten thousand dollars, for the faithful discharge of the duties of his office, and such other officers as to them shall appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their stead, and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

Choice of officers.

Legislative examination.

SECT. 7. *Be it further enacted*, That the officers and agents of the said institution shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books, and papers relating thereto, and shall submit to be examined by them concerning the same under oath.

By-laws, &c.

SECT. 8. *Be it further enacted*, That the said corporation shall have power to make by-laws for the more orderly managing of their concerns, provided the same are not repugnant to the constitution and laws of this Commonwealth; and the Legislature may at any time make such further regulations for the government of the said institution, as they may deem expedient, and may, at any time hereafter, alter, amend or repeal this act.

First meeting.

SECT. 9. *Be it further enacted*, That any one of the persons named in this act shall have power to call the first meeting of the said corporation at such time and place as he may judge proper, by giving personal notice to each individual named in this act. [Feb. 21, 1829.]

An ACT to incorporate the Minister, Wardens, Vestry and Proprietors, of St. John's Church, in the town of Northampton.

Chap. 71.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph G. Cogswell, Joseph Muenscher, Edward Parsons, Ira Atkins, A. E. Watson, George Pierce, and Amherst Thompson, together with such others as have associated or may hereafter associate with them, and their successors, with their polls and estates, be, and they hereby are incorporated into a society or body politic by the name of the Minister, Wardens, Vestry and Proprietors of St. John's Church in Northampton, with all the powers and privileges and subject to all the duties and restrictions of parishes established by law, and by their said corporate name may sue and be sued, and may have and use a common seal and the same alter at pleasure at any legal meeting of the society, and may ordain and establish such by-laws and regulations as to them may seem necessary and convenient for the government of said society, and the management of their ministerial and parochial funds : *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That said society may purchase, receive by gift or otherwise, and hold real and personal estate, the value of which shall not exceed thirty thousand dollars, for the purpose of building a church, and supporting public worship therein, and that all gifts, grants or monies received by said society, shall be under the direction of the wardens and vestry for the time being, agreeably to the usages of the Protestant Episcopal Church of the United States.

Estate.

SECT. 3. *Be it further enacted,* That the said society, at any annual meeting or adjournment thereof, may assess and levy upon the pews of the church about to be erected, such sum or sums of money as may be necessary to pay the salary of the minister, and for defraying such other expenses as the said society may incur by reason of any repairs or additions to said church, or in support of the public worship of God, according to the principles, rights and usages of the protestant episcopal church ; and all such sums of money as shall be assessed or paid by virtue of this act shall be apportioned according to a valuation thereof made by a committee, appointed by the said society for that purpose, and recorded in the clerk's book, of the society.

Assessments on pews.

SECT. 4. *Be it further enacted,* That, if the owner or owners of any pew or pews in said church shall neglect or refuse to pay such sum or sums as may be assessed on such pew or pews, six months after notice of such assessment, the said society are hereby authorized to sell such pew or pews at public auction, by giving three weeks previous notice of the time and place of sale, in some newspaper published in Northampton, and the money arising from such sale, after first deducting the assessments due on such pew or pews and the expenses of sale and

Sale of delinquents' pews.

collection, shall be lodged in the hands of the treasurer of said society, to be paid by him to such delinquent owner or owners on demand.

Membership,
and right of
voting.

SECT. 5. *Be it further enacted*, That any person, who shall become owner of any pew or pews in said church, shall be deemed and become a member of said society, and at all meetings of said society, any member or members, being owners of a pew or pews as aforesaid, shall be entitled to as many votes as the number of pews he or they shall own in said church, and no more, and every other person, who may become a member of said society agreeably to the provisions of law, and is not at the same time the owner of a pew as aforesaid, shall be entitled to one vote only.

Assessments,
when valid.

SECT. 6. *Be it further enacted*, That no assessment on the pews of said church, for any of the purposes aforesaid, as mentioned in the third section of this act, shall be valid or binding, unless two thirds of the votes of all the pew proprietors in said church shall be in favor of such assessment, allowing one vote to every pew, and any owner or owners of a pew or pews as aforesaid shall at all meetings of said society be allowed to vote by proxy.

Record of
deeds.

SECT. 7. *Be it further enacted*, That all deeds of pews in the church, which may be made by said society, shall be recorded, within three months after the same are delivered, in the book of the clerk of said society, and need not be recorded in the office of the town clerk, or of the register of deeds.

First meeting.

SECT. 8. *Be it further enacted*, That any three of the persons named in this act may call the first meeting of said society, by giving public notice of the time and place of holding the same in the Hampshire Gazette.

Legislative con-
trol.

SECT. 9. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. [*Feb. 24, 1829.*]

Chap. 72.

An ACT to incorporate the Trustees of the Partridge Ministerial Fund, in Duxbury.

Persons con-
firmed and
incorporated
as trustees.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Levi Loring, Isaiah Alden, Gershom B. Weston, Samuel A. Frazur and George P. Richardson, all of Duxbury, in the county of Plymouth, and their successors, are hereby appointed and confirmed as Trustees of the Partridge Ministerial Fund, in the town of Duxbury, to receive, hold, manage and improve the property bequeathed to the said trustees, for the purpose aforesaid, by George Partridge, Esquire, late of Duxbury, deceased, in and by his last will and codicil, the interest whereof is to be appropriated and applied to the support of the minister of the first congregational church and parish in said town; and shall constitute a body politic and corporate, by the name of the Trustees of the Partridge Ministerial Fund in the First Parish in Duxbury.

Treasurer.

SECT. 2. *Be it further enacted*, That said trustees shall choose annually one of their number as treasurer, who shall give

bond to the acceptance of the trustees, and the treasurer, for the time being, shall, under the direction of the trustees, receive and pay out the interest of said fund, agreeably to the will of the donor, and the trustees are hereby empowered to choose, annually, a clerk, who shall be sworn to the faithful discharge of the duties of his office, and any other officer they may deem necessary for their government and regulation. Clerk.

SECT. 3. *Be it further enacted*, That said trustees shall have power to remove from office any trustee, when he shall become incapable, from age or otherwise, of discharging the duties of his office, and to fill all vacancies in the board of trustees, and to make all reasonable and lawful by-laws and regulations. Removal of trustees, &c.

SECT. 4. *Be it further enacted*, That it shall be the duty of the trustees to report yearly to said parish, at their annual meeting, in March or April, the true state of said fund for the time being. Trustees to report the state of the fund annually.

SECT. 5. *Be it further enacted*, That Samuel A. Frazur be, and he hereby is authorized to call the first meeting of the trustees, by giving them personal notice at least seven days before the time of holding such meeting. First meeting.

SECT. 6. *Be it further enacted*, That this act may be altered or repealed at the discretion of the Legislature. [*Feb. 24, 1829.*] Legislative control.

AN ACT to incorporate the Second Congregational Parish in the town of Milton.

Chap. 73.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Willard Felt, John Adams, James Adams, Daniel H. Adams, Jonathan Beal, Junior, Zebediah Williams, John M. Adams, Zebediah Williams, Junior, Joseph Ewell, Junior, Henry Littlefield, Jeremiah T. Fenno, Jonathan F. Wellington, James Hall, Edward Glover, Samuel Marden, Gridley Bryant, William Newcomb, Joseph S. Beal, Benjamin Beal, John Rand, Lewis Baxter, Jonathan Beal, Ezra Beal, Josiah Patch, William B. Duggan, James M. Glover and John R. Rowell, with such others as may associate with them, and their successors, be, and they are hereby incorporated for religious purposes, into a parish, by the name of the Second Congregational Parish in Milton, with all the powers and privileges, and subject to all the duties and obligations usually annexed to other parishes by the constitution and laws of this Commonwealth. Persons incorporated.

SECT. 2. *Be it further enacted*, That said parish may receive, hold and possess, use and manage, by such agents or trustees as they may elect for that purpose, any estate, real or personal, not exceeding twenty thousand dollars, exclusive of the meeting-house, and the land under the same: *provided*, the income arising from said estate shall be appropriated exclusively to parochial purposes. Powers and privileges.

SECT. 3. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. [*Feb. 24, 1829.*] Estate.

Legislative control.

Chap. 74.

AN ACT to incorporate the trustees of the Eames Ministerial Fund in Holliston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Bullard, Abner Johnson, Timothy Fiske, Charles Marsh and James Cutter, all of Holliston, be, and they are hereby made a body corporate, by the name of the Trustees of the Eames Ministerial Fund in Holliston, and they shall have full power and authority to make and ordain all necessary regulations and by-laws for their own government, and the security and management of said fund, provided the same be consistent with the constitution and laws of this Commonwealth : *and provided also,* that the same be approved by the town of Holliston, at any regular meeting or meetings duly holden for that purpose.

SECT. 2. *Be it further enacted,* That said trustees shall have power, and it shall be their duty to receive, secure, invest and hold, all monies or other property, or estate, given and bequeathed to the town of Holliston by Aaron Eames, late of said Holliston, deceased, in and by his last will and testament, the same having been given and bequeathed as above mentioned, upon the special trust and confidence, that the principal thereof should be put on interest, and safely secured as a permanent fund for the support of the gospel, and the interest and income of the same faithfully applied to the maintenance of a minister in said town of Holliston, as in and by the same last will and testament is particularly expressed and declared.

SECT. 3. *Be it further enacted,* That the said town of Holliston shall have power, and it shall be their duty, at any meeting thereof, duly holden for that purpose, to remove from office any trustee, whenever, by reason of age or other incapacity, they may consider him incompetent to the discharge of the duties of that trust, and they shall also have power, and it shall be their duty, at a like meeting, to fill all vacancies which may from any cause happen in said board of trustees.

SECT. 4. *Be it further enacted,* That Samuel Bullard, above named, be, and he is hereby authorized to call the first meeting of said trustees, by giving to each personal notice thereof, seven days at least before the time of holding the same.

SECT. 5. *Be it further enacted,* That the powers given in and by this act may at any time be altered, annulled or repealed, at the pleasure of the Legislature. [Feb. 24, 1829.]

Chap. 75.

AN ACT to incorporate the Trustees of the Baptist Church Fund in Canton.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ezra Tilden, Nathan Tucker and Friend Crane, be, and they hereby are constituted a body politic, by the name of the Trustees of the Baptist Church Fund in Canton, and said trustees shall have power to make such by-laws, for their own government, and for the management of said funds, as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That said trustees shall have power to collect, receive and hold all such subscriptions, donations, grants and bequests, of real or personal estate, as have been made to said baptist church, or may hereafter be made to the said trustees, for the use and benefit of said baptist church, and the same shall be valid and effectual to all intents and purposes whatever: *provided*, the annual income shall not exceed one thousand dollars.

Subscriptions,
donations, &c.
confirmed to
trustees.

SECT. 3. *Be it further enacted*, That the income of said funds shall be appropriated and expended for the support of a gospel minister of said baptist church, but no part of the principal of said funds shall be so expended, except in cases of donations or grants, wherein express authority may have been given by donors or grantors for that purpose.

Appropriation
of income.

SECT. 4. *Be it further enacted*, That said trustees shall have power to lease or sell, at their direction, the pews in the meeting-house belonging to said church, and, in case they shall sell said pews, they shall add the proceeds of such sale to said funds, and apply the income thereof to the support of the gospel baptist ministry, as herein before provided.

Trustees may
sell pews.

SECT. 5. *Be it further enacted*, That whenever any vacancy shall happen in said board of trustees, by death, resignation or otherwise, the male members of said baptist church, at a meeting notified for that purpose, may fill such vacancy, but the number shall never exceed three, and Ezra Tilden, above named, is hereby authorized to call the first meeting of said trustees, by giving them personal notice of the time, place and purposes thereof.

Vacancies.

First meeting.

SECT. 6. *Be it further enacted*, That this act may be altered, amended or repealed, at the pleasure of the Legislature. [Feb. 24, 1829.]

Legislative
control.

An Act to incorporate the North Adams Cotton and Machine Manufacturing Company.

Chap. 76.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Higginbottom, Daniel P. Merriam and Ralph Howard, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the North Adams Cotton and Machine Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, and for the purpose of making machinery, in the town of Adams, county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, defining the general powers and duties of manufacturing corporations, and the several acts in addition thereto.

Persons incor-
porated.

Powers and
duties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding

Real and per-
sonal estate.

the value of fifty thousand dollars, as may be necessary for the purposes aforesaid. [*Feb. 24, 1829.*]

- Chap. 77.** An Act authorizing the First Parish in Methuen to dispose of their Parsonage Lands.
- SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the first parish in Methuen be, and they are hereby authorized to make sale of their parsonage lands and buildings : *provided*, the net proceeds of such sale shall be invested in a permanent fund, with sufficient and adequate land security, the interest of which shall be appropriated towards the support of the gospel in the congregational society in said parish : *and provided, also*, that the minister or ministers of said parish, if any such there be, at the time of the sale, assent thereto, and join in the conveyance of the property sold.
- SECT. 2.** *Be it further enacted,* That the said parish, under the restriction aforesaid, may authorize their clerk, or such other person or persons as the said parish may appoint, to make sale of the aforesaid parsonage land and buildings, and also to make and execute the necessary conveyance or conveyances thereof, for, and in the name, and on behalf of the said parish, under such restrictions as they may direct. [*Feb. 24, 1829.*]
- Sale of parsonage lands authorized.
- Proviso.
- Conveyance of lands.

- Chap. 78.** An Act to incorporate the Proprietors of the South Parish Meeting-house in Braintree.
- SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Blake, Isaac Dyer, David Holbrook, Peter Dyer, John R. Hollis, and others, who have associated, or may hereafter associate with them, for the purpose of building a meeting-house in the south parish of Braintree, their successors and assigns be, and they hereby are incorporated, and made a body politic, by the name of the Proprietors of the South Parish Meeting-house in Braintree, and may ordain and establish such by-laws and regulations as to them may seem necessary and convenient, for the government of said corporation, provided such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth.
- SECT. 2.** *Be it further enacted,* That the said corporation may purchase and hold real and personal estate, sufficient to erect a suitable house for public worship, a dwelling-house for the accommodation of a minister, and such other buildings as may be necessary to the enjoyment of the same, not exceeding in amount the sum of fifteen thousand dollars, and shall divide the same into shares, the number of which shall not be less than one hundred, nor more than two hundred and fifty, and may make and impose all necessary assessments on such shares.
- SECT. 3.** *Be it further enacted,* That any two of the proprietors named in this act, be, and they hereby are authorized to call the first meeting of said proprietors, by posting notifications thereof in two public places in said Braintree, seven days before the time of holding said meeting, stating the time, place and purposes thereof.
- Persons incorporated.
- By-laws.
- Estate.
- Shares and assessments.
- First meeting.

SECT. 4. *Be it further enacted*, That this act may be altered, amended or repealed, at the pleasure of the Legislature. [Feb. 24, 1829.]

Legislative control.

An ACT to incorporate the Evangelical Congregational Society in the Town of Barre.

Chap. 79.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Anson Bates, Isaac Bassett, Joseph P. Bassett, Samuel M. Bassett, Simpson Eames, Harding P. Woods, Abraham Jenkins, Joseph Barrett, Oliver Barrett, Samuel Clark, Benjamin Clark, Erastus Clark, Thomas Clark, Israel Demond, Arad Fay, Marshall S. Bigelow, Silas Bemis, Seth Caldwell, Mary McFarland, Mary Ellis, Seth Lee, Joseph Rider, William Burt, Benjamin W. Childs, Hollis Freeman, Zenas Winslow, Joseph Paige, Nathan Hancock and William A. Lee, together with those who have associated, or shall hereafter associate with them, or their successors, for the purposes of public worship, be, and hereby are incorporated into a religious society, by the name of the Evangelical Congregational Society in the town of Barre, with all the powers, privileges and immunities to which other religious societies in this Commonwealth are entitled by law and the constitution thereof, and subject to the same duties and requirements.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estate, either real or personal, for the purpose of public worship, provided the annual income thereof shall not at any time exceed the sum of one thousand dollars.

Estate.

SECT. 3. *Be it further enacted*, That this act may be at any time altered, amended or repealed, at the pleasure of the Legislature. [Feb. 24, 1829.]

Legislative control.

An ACT to incorporate the Greenfield Manufacturing Company.

Chap. 80.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel E. Russell, Edmund Dwight, Jonathan Dwight, Junior, and Franklin Ripley, their associates, successors and assigns be, and they are hereby made a corporation, by the name of the Greenfield Manufacturing Company, for the purpose of manufacturing cotton and wool in the town of Greenfield, in the county of Franklin, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding in value the sum of seventy-five thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 24, 1829.]

Real and personal estate.

Chap. 81. An ACT to incorporate the Managers of the Boston Seamen's Friend Society.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Reynolds, George G. Jones, Charles Scudder, William B. Reynolds, Newton Willey, Benjamin Howard, Francis Watts, Joseph Ballister, Andrew Bradshaw, Ebenezer G. Parker, George Clark and Israel Decker, together with the president, vice president, secretary and treasurer of the Boston Seamen's Friend Society, and their successors, be, and they are hereby incorporated and constituted a body politic, by the name of the Managers of the Boston Seamen's Friend Society, with power to make by-laws and regulations for their own government, and the management of the concerns of said society, not inconsistent with the constitution and laws of this Commonwealth, or of the United States; to take and hold real and personal estate, not exceeding forty thousand dollars in value, and sell and convey the same, if necessary, so as best to answer the purposes of their incorporation.

SECT. 2. *Be it further enacted,* That the said managers shall never exceed sixteen in number, of whom the president, vice president, secretary and treasurer of the said society shall be members, *ex officio*; nine of whom shall be necessary to constitute a quorum for the transaction of business; and it shall be the duty of said managers to fill all vacancies happening in their board, as speedily as may be, that the interests of the society may not suffer thereby.

SECT. 3. *Be it further enacted,* That the clear annual income of the estate or funds of said corporation, not necessary to be applied to the payment of its debts, shall be annually expended in and applied to the religious, moral and professional instruction of seamen, in such manner as said managers shall direct.

SECT. 4. *Be it further enacted,* That William Reynolds and George G. Jones, above named, or either of them, be and hereby are authorized to call the first meeting of said managers, by causing a written or printed notice thereof to be left at the dwelling-house of each, at least seven days before the time of holding said meeting.

SECT. 5. *Be it further enacted,* That the powers given by this act may be altered, annulled or repealed, at the pleasure of the Legislature. [Feb. 24, 1829.] Add. act, 1836 ch. 224.

Chap. 82. An ACT to incorporate the Proprietors of the Berkshire High School.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Lemuel Pomeroy, Chester Dewey, Henry Shaw, Edward A. Newton, Samuel M. McKay and Thomas B. Strong, with their associates, successors and assigns, be and they hereby are made a body politic and corporate, by the name of the Proprietors of the Berkshire High School, in the town of Pittsfield, in the county of Berkshire, for the advancement of the purposes of education and instruction in the liberal sciences and arts; and the said corporation shall have power, from time

to time, to choose a clerk, treasurer, and such other officers as they may judge necessary, may have a common seal, which they may alter or renew at their pleasure, may make contracts, sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, and may make and establish any by-laws, rules and regulations for the government of their affairs, for the division of their property into shares, and for the sale and transfer thereof: *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

General powers.

SECT. 2. *Be it further enacted*, That said corporation may lawfully hold and possess such real estate, not exceeding in value the sum of sixty thousand dollars, and such personal estate, not exceeding in value the sum of sixty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Real and personal estate.

SECT. 3. *Be it further enacted*, That said corporation may, from time to time, at any legal meeting called for the purpose, assess upon each share in the capital stock such sum or sums of money as they may judge expedient for the objects of the incorporation and defraying the expense thereof, to be paid to the treasurer at such times as they may direct; and if any proprietor shall neglect to pay any such assessment, for the space of ten days after such time of payment, it shall be lawful for the treasurer to sell, at public vendue, such part of the shares of such delinquent proprietor as may be sufficient to pay such assessments, with incidental charges, giving notice in a newspaper printed in said Pittsfield, of the time and place of sale, and the sum due on each share, three weeks successively before the day of sale, and such sale shall be a legal transfer of the share or shares so sold to the purchaser thereof.

Assessments.

Sale of delinquents' shares.

SECT. 4. *Be it further enacted*, That any one of the persons named in this act may call the first meeting of said corporation, by personal notice of the time and place of meeting given to each of the persons named herein, ten days before the time of meeting.

First meeting.

SECT. 5. *Be it further enacted*, That the Legislature may at any time alter or repeal this act. [*Feb. 26, 1829.*]

Legislative control.

An ACT to incorporate the Trustees of Abbot Female Academy, in Andover.

Chap. 83.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Mark Newman, Milton Badger, Samuel C. Jackson, Samuel Farrar, Amos Blanchard, Hobart Clark, and Amos Abbot, be, and they hereby are incorporated into a body politic, by the name of the Trustees of Abbot Female Academy, and they and their successors shall be and continue a body politic by that name forever.

Persons incorporated.

SECT. 2. *Be it further enacted*, That all lands, monies or other property, heretofore given or subscribed for the purpose of erecting and establishing a female academy, in the south parish in Andover, in the county of Essex, or which shall here-

Donations confirmed to trustees.

- after be given, granted or assigned to the said trustees shall be confirmed to the said trustees and their successors in that trust forever, for the uses which in such instruments shall be expressed ; and the said trustees shall be capable of having, holding and taking in fee simple, by gift, grant, devise or otherwise any lands, tenements or other estate real or personal : *provided*, the annual income of the same shall not exceed the sum of five thousand dollars, and shall apply the interest, rents and profits thereof, so as most effectually to promote the design of the institution.
- Limitation of income.**
- Powers of the trustees.** SECT. 3. *Be it further enacted*, That the said trustees for the time being, shall be the visitors and governors of said institution, and shall have full power from time to time to elect such officers thereof as they shall judge necessary and convenient, and fix the tenure of their respective offices ; to remove from office any trustee, whenever two-thirds of the whole board deem it expedient ; to elect two trustees in addition to the present number, to fill all vacancies that may happen in the board of trustees by electing suitable persons therefor, to determine the times and places for holding their meetings, the manner of notifying the trustees, the method of electing and removing members of the board, to ascertain the powers and duties of their several officers, to elect instructors and instructresses and prescribe their duties, to make and ordain reasonable rules, orders and by-laws with reasonable penalties for the government of the institution : *provided*, the same be not repugnant to the constitution and laws of the Commonwealth.
- Common seal, &c.** SECT. 4. *Be it further enacted*, That the trustees of said academy may have a common seal which they may change at pleasure, and all deeds duly executed and delivered, and acknowledged by the treasurer of said trustees by their order, shall be good and valid in law, and said trustees may sue and be sued in all actions and prosecute and defend the same to final judgment and execution by the name of the Trustees of Abbot Female Academy.
- Number of trustees.** SECT. 5. *Be it further enacted*, That the number of said trustees shall never be more than nine nor less than five, four of whom shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time, and a majority of those present shall always decide all questions, that may properly come before the same trustees, except the question of the removal of any member of the board.
- First meeting.** SECT. 6. *Be it further enacted*, That Hobart Clark, be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the trustees and to give them notice thereof.
- Legislative control.** SECT. 7. *Be it further enacted*, That this act may be altered or repealed by the Legislature at any time hereafter. [*Feb. 26, 1829.*]

An ACT to incorporate the South Parish, in the town of Braintree.

Chap. 84.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Peter Dyer, Isaac Dyer, William Blake, David Holbrook, John R. Hollis, Samuel A. Allen, Joseph Dyer, 2d., Warren Mansfield, Ezra Dyer, and others, who have associated or may hereafter associate with them, and their successors, shall be, and they hereby are incorporated as a Religious Society and body politic and corporate, by the name of the South Parish in Braintree, with all the powers, privileges and immunities, and subject to all the liabilities of parishes according to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted,* That the said parish shall have power to tax all pews in their meeting-house, not exceeding annually six per centum of their original valuation made by a committee previous to the sale thereof, which shall be occupied by persons who do not belong to said society, which taxes said occupants shall be holden to pay.

Pews taxed.

SECT. 3. *Be it further enacted,* That said society may hold and possess by grant, gift, devise or otherwise, real and personal estate, for the purposes of supporting public worship, and other parochial charges not exceeding the net annual income of one thousand dollars, and shall have power to choose trustees to manage the same under such restrictions, liabilities and responsibilities as they may deem proper, who shall apply the income thereof to the purposes for which the same may have been specially designed.

Estate.

SECT. 4. *Be it further enacted,* That this act may be altered or repealed at the pleasure of the Legislature. [Feb. 26, 1829.]

Legislative control.

An ACT to authorize the West Parish in Amesbury to make sale of their Ministerial lands.

Chap. 85.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the West Parish in Amesbury, be, and the same is hereby authorized and empowered to make sale of all their ministerial lands and appropriate the monies arising from the sale to the building of a parsonage house, for the use of said parish: *provided,* that the minister of said parish, for the time being, shall concur with said parish, in the sale of said lands, and in the execution of any deed or deeds made for the conveyance thereof.

Power to sell ministerial lands.

Proviso.

SECT. 2. *Be it further enacted,* That all the rents and profits arising from said parsonage-house, shall annually be appropriated according to the original intention of said parish, and in the same manner as the said ministerial lands were to be appropriated; and all monies which may be paid by individuals towards building the aforesaid parsonage-house or any out buildings belonging thereto shall be considered as an addition to the same,

Appropriation of rents, &c.

and the rents and profits arising therefrom, shall also be appropriated in the same manner as above provided.

Parish may elect persons to make sale.

SECT. 3. *Be it further enacted*, That the said parish, at any meeting thereof, duly held for that purpose, may elect any person or persons to make sale of the premises, and under such restrictions and responsibilities as they may deem proper. [*Feb. 26, 1829.*]

Chap. 86.

AN ACT to incorporate the Boston Fire Department Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel C. Bacon, Moses Williams, Thomas C. Amory, Edward G. Prescott, Jacob C. Flint, George Darracott, George Lane, William H. Tileston, J. Amory Davis, J. V. N. Throop, and their associates, successors and assigns, be, and they hereby are, incorporated into a company and body politic, by the name of the Boston Fire Department Insurance Company, with full power and authority to make insurance against fire, on all buildings and property liable to be burned and damaged by fire, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, they shall not hold real estate exceeding the value of ten per centum on the amount of capital paid in, excepting such as may be taken for debt by said company, or held as collateral security for debts due to them.

Real estate.

Capital stock, shares, &c.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall never exceed three hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and the number of shares shall not be less than six thousand, nor more than twelve thousand, one third part of which shall be paid in money, within one hundred and twenty days from the first meeting of said company, and the residue, also in money, within two years from and after the first meeting of said company, in such instalments, and under such penalties as the president and directors shall direct and appoint.

Board of directors.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by twelve directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and shall, at the time of their election, be stockholders of said company, and citizens of this Commonwealth, and shall be elected, annually, on the first Monday of May, at such time and place, in the city of Boston, as a majority of the directors, for the time being, may appoint, of which election, public notice shall be given in any three of the newspapers printed in said city, ten days next preceding such election; and the election shall be made by ballot by a majori-

ty of the votes of the stockholders present, allowing one vote to each share in the capital stock ; but no stockholder shall vote at any election for directors, unless the share or shares upon which he may claim to vote, shall have been standing in his name in the books of the corporation, for at least two months previous to such election : *provided*, no stockholder shall have more than twenty votes, and absent stockholders may vote by proxy, under such regulations as the company shall prescribe, and if, from any accident, the said directors should not be chosen on the first Monday of May as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

Right of voting.

SECT. 4. *Be it further enacted*, That the directors, so chosen, shall meet as soon as may be after every election, and shall choose out of their number one person to be president, who shall be sworn faithfully to discharge the duties of his office, during the period for which he is elected ; and the said directors shall establish such compensation for his services as to them shall seem fit, and in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election, at a meeting of the stockholders, to be notified and held as is herein before directed in case of annual elections ; and that the directors of said corporation, for the time being, seven of whom shall form a quorum, shall have power to appoint such clerks, agents, servants, and other officers, as shall be necessary for the conducting and executing the business of the said corporation, and to allow the said persons, so appointed, such compensation for their services respectively as they shall deem reasonable, and to take security from any of the said officers, for the faithful discharge of their duties.

Choice of president, &c.

SECT. 5. *Be it further enacted*, That the president and six of the directors, or seven of the directors in the absence of the president, shall be a board competent for the transaction of business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, in respect to the management and disposition of the stock, property, estate and effects of said company, and the transfer of shares therein, and the powers, duties and conduct of the several officers, clerks and servants employed in the service of the company, and the election of the directors, and the making of policies, and all such matters as appertain to the business of insurance : *provided*, such by-laws, rules and regulations be not repugnant to the constitution and laws of this Commonwealth ; and they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings against damage to the same by fire, originating in any cause except design in the assured, for such time, and on such conditions, and for such premium, as the parties may agree to, and to accept notes or other security for the premium : *provided*, that the said company shall not insure,

Board of directors.

By-laws, &c.

Limitation of risks.

on any one risk, more than ten per centum on the amount of the capital stock paid in ; and all policies of insurance, by them made, shall be subscribed by the president or two of the directors, and countersigned by the secretary, and shall be binding and obligatory upon the said company, when so signed, and have the like effect and force, as if under the seal of the company ; and all losses, duly arising under policies so subscribed, may be adjusted and settled by the president and board of directors, or such agent as they shall authorize, and such adjustment shall be binding on said company.

SECT. 6. *Be it further enacted*, That the said company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever.

Statements to be made to stockholders and Legislature.

SECT. 7. *Be it further enacted*, That, once in each year, and oftener, if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends, and also of the losses which shall have happened, and of the property and affairs of the corporation, and the president and directors of said company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same under oath.

Dividends to be declared.

SECT. 8. *Be it further enacted*, That it shall be the duty of the directors to make semi-annual dividends of the interest arising from the capital stock, and of the profits of said company, if it should to them appear adviseable ; but monies received and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making any dividend, shall not be considered as part of the profits of said company ; and in case of any loss, whereby the capital stock shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital.

First meeting.

SECT. 9. *Be it further enacted*, That any three of the persons named in the first section of this act are hereby authorized to call a meeting of the said company in Boston, by advertising the same for two weeks successively in any three newspapers printed in said Boston, for the purpose of electing the first board of directors, who shall hold their offices until the first Monday in May, A. D. one thousand eight hundred and thirty, or until another board shall be chosen.

Transfer of shares.

SECT. 10. *Be it further enacted*, That the shares of the capital stock of the said corporation shall be assignable and transferable, according to such rules and regulations as the president and directors shall, for that purpose, ordain and establish, and not otherwise.

Conditions of this act.

SECT. 11. *Be it further enacted*, That the capital stock of said insurance company, or any part of it, shall not be sold or transferred, during the term of one year after this charter shall be put in operation as aforesaid, and in case the same shall not be

put in operation within one year from the passage of this act, the same shall be void.

SECT. 12. *Be it further enacted*, That this act shall be subject to revision or repeal, at the will of the Legislature. Legislative control.

SECT. 13. *Be it further enacted*, That said Boston Fire Department Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. Liability to taxation. [Feb. 26, 1829.]

An Act to incorporate the Mutual Fire Insurance Company of Hatfield and the vicinity. Chap. 87.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Luman Pease, Erastus Billings, Roswell Billings, Thaddeus Graves, Samuel Partridge, John Warner, Moses Moreton, Alpheus Longley, Justin Wait, Solomon Graves, Pliny Day, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Mutual Fire Insurance Company of Hatfield and the vicinity, with the powers and privileges incident to such corporations, for the term of twenty-eight years. Persons incorporated.

SECT. 2. *Be it further enacted*, That when the sum subscribed to be insured shall amount to fifty thousand dollars, said corporation may insure for the term of from one to seven years, any dwelling-house, barn, store or other building, with their contents, to any amount not exceeding three quarters of the value of the property insured. When to insure.

SECT. 3. *Be it further enacted*, That said corporation may choose such officers and establish such by-laws as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth, and each member shall have as many votes as he has policies, and may vote by proxy legally authorized. Choice of officers, by-laws, &c.

SECT. 4. *Be it further enacted*, That the funds of said corporation shall be vested in stocks or loaned on such security as the directors may order, and shall be appropriated first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy; in case any member shall have a just claim upon the corporation exceeding the amount of their then existing funds, the directors shall without delay assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed treble the amount of such premiums and deposits. Funds, how vested and appropriated.

SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds, but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the directors: *provided*, they first refuse or neglect, for the space of sixty days, to satisfy the execution after formal demand made on them for that purpose, and any director whose property may be thus taken may sustain an action of the case against the corporation, to recover full and adequate damages therefor. Satisfaction of executions.
Proviso.

Policy to create
a lien.

SECT. 6. *Be it further enacted*, That each policy of insurance shall of itself, without any other ceremony, create a lien on any building insured, and on the land under it, for the payment of the premium stipulated in said policy, and of all assessments lawfully made by virtue thereof, and this provision shall not prevent the taking of other collateral security.

Proceedings in
case of resort
to lien.

SECT. 7. *Be it further enacted*, That in case it should become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured or his legal representative, and likewise of the tenant in possession, and in case of non-payment, the corporation may sustain an action for any sum due either by the deposit note or by assessment, and their execution may be levied on the insured premises, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice and proceeding in the same manner as is required in the sale of equities of redemption on execution, and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Liability to tax-
ation.

SECT. 8. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions, and any person named in this act may call the first meeting, by advertising the same in any newspaper printed in the county of Hampshire. [Feb. 26, 1829.]

First meeting.

Chap. 88.

An ACT to incorporate the Boston and Gloucester Granite Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Wood, Jeremiah Wetherbee and William Crehore, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Boston and Gloucester Granite Manufacturing Company, for the purpose of procuring, hammering and cutting granite stones in the city of Boston and town of Gloucester, and for the purposes aforesaid shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Powers and du-
ties.

1808 ch. 65.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding the value of thirty thousand dollars, as may be necessary for the purposes aforesaid. [Feb. 26, 1829.]

Chap. 89.

An ACT to incorporate the First Congregational Parish in Hamilton.

Inhabitants in-
corporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the inhabitants of the town of Hamilton, in the county of Essex, with all the lands in said town, (except

such inhabitants and such lands as do belong to some other parish or religious society, or are exempt by law from parish charges in said town of Hamilton,) be, and they are hereby incorporated into a parish, by the name of the First Congregational Parish in Hamilton, subject to all the duties, and vested with all the rights and privileges to which parishes are by law entitled.

SECT. 2. *Be it further enacted*, That the votes and proceedings of the said town of Hamilton, or of the said inhabitants hereby incorporated, relative to parish business, are hereby confirmed and made valid to all intents and purposes; and the said parish hereby incorporated shall be deemed and taken to be successors of the said town of Hamilton, as far as relates to parochial proceedings, rights and privileges, and subject to all contracts of a parochial nature, which may have been made by said town: *provided, however*, that nothing herein contained shall take from any persons, inhabitants of said Hamilton, not included in this act, nor from any other persons, nor from the said town, any rights or property to which they are now legally entitled.

Votes, &c. relative to parish business made valid.

Proviso.

SECT. 3. *Be it further enacted*, That the first meeting of said parish shall be convened by a warrant, to be issued by any justice of the peace in the county of Essex, directed to any member or members of said parish, to meet at a suitable time and place, and for the purposes to be appointed and expressed in such warrant.

First meeting.

SECT. 4. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. [Feb. 27, 1829.]

Legislative control.

An Act to incorporate the Managers of the Port Society of the city of Boston and its vicinity.

Chap. 90.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William True, William Dyer, Warren Bowker, Thomas Patten, Oliver Train, N. K. Skinner, George Southerland, Jacob Foster, John Templeton, Thomas Bagnall, George Bovers, William Parker, Samuel F. Holbrook, William W. Motley and James Hutchinson, and their successors, be, and they hereby are, incorporated and constituted a body politic, by the name of the managers of the Port Society of the city of Boston and its vicinity, capable in law, to have and hold, in fee simple or otherwise, any estate, real or personal, the annual income of which shall not exceed two thousand dollars, to be invested and applied in such way and manner as will best promote the objects of said society, to improve the moral and religious condition of seamen in Boston, and its vicinity, and may appoint all such officers as may be necessary for the management of their affairs, and may make and adopt such by-laws and regulations as may be necessary for the government of said corporation, not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

Estate.

[Income enlarged, 1832 ch. 104.]

By-laws.

SECT. 2. *Be it further enacted*, That the number of managers, &c.

Number of managers, &c.

[Five shall constitute a quorum, 1834 ch. 111.]

Managers to keep record of their proceedings, &c.

agers shall never be more than fifteen, nine of whom shall constitute a quorum for the transaction of business, and all vacancies in said board shall be filled in such manner as said society shall direct ; said managers shall have power to remove from office any manager, when, from any cause, he shall become incapable, in their judgment, of discharging the duties of his office.

SECT. 3. *Be it further enacted*, That said managers shall keep a fair record of all their proceedings, which shall be open to the inspection of any committee appointed by said society for that purpose, and said managers shall annually exhibit to said society a correct statement of funds in their possession, and of their income, receipts and expenditures ; and they shall be liable, individually, in damages, in a special action of the case, to said society, for any waste or misapplication of said funds ; and shall receive no compensation for their services, other than what shall be voted or allowed by said society.

First meeting.

SECT. 4. *Be it further enacted*, That William True, be, and he is hereby authorized to call the first meeting of said managers, by giving to each one, personal notice of the time, place and purpose of such meeting at least seven days before the time of holding the same.

Legislative control.

SECT. 5. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. [Feb. 27, 1829.] Add. act, 1832 ch. 104 : 1834 ch. 111.

Chap. 91.

An Act to incorporate the Proprietors of the Lynn Mill Dam.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Timothy Alley, Daniel Breed, John Lovejoy, John L. Johnson, John Alley, Isaac Basset, Jr., Isaiah Breed, Nathan Breed, Isaac Gates, Micajah C. Pratt, Stephen Smith, Jr., and John Alley, the third, together with such others as now have associated or may hereafter associate with them, their successors and assigns, be, and are hereby made a corporation, by the name of the Proprietors of the Lynn Mill Dam, for the purpose of erecting a dam from Union wharf, in Lynn, in the county of Essex, to Hog Point, (so called,) and for the erecting of mills and machinery thereon ;—and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 2. *Be it further enacted*, That the said proprietors of the Lynn Mill Dam, in their corporate capacity, may lawfully hold and possess real estate, not exceeding in value the sum of twenty thousand dollars, and personal estate not exceeding in value the further sum of twenty thousand dollars.

First meeting.

SECT. 3. *Be it further enacted*, That any one of the persons named in this act, be, and either of said persons is hereby authorized to appoint the time and place for holding the first

meeting of said corporation, giving ten days notice thereof to the others, either by personal notice or otherwise. [*Feb. 27, 1829.*]

AN ACT to authorize the Proprietors of Union Wharf to extend the same.

Chap. 92.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the wharf, in the city of Boston, now called and known by the name of Union Wharf, be, and they are hereby authorized and empowered to extend the said wharf towards the channel, to any distance not exceeding one hundred and twenty feet, from the present end thereof; and that they shall have and enjoy the right and privilege of using and occupying the flats adjacent to said wharf when so extended, at the end and at the sides thereof, in the same manner in which they have hitherto occupied and enjoyed the flats or docks adjoining said wharf as it now is: *provided, however,* that neither the said proprietors nor their assigns shall have nor claim any right to extend the said wharf, nor to use and occupy the flats which shall be on the north side of said wharf, when so extended beyond a line drawn in continuation of the boundary line dividing the lands and flats of the petitioners, from the lands and flats of the proprietors of Rhoades wharf, so called; nor have nor claim any right to extend the said Union wharf, nor to use and occupy the flats which shall be on the south side of said Union wharf, when so extended beyond a line drawn about eastwardly from the middle of a line, extending from the southern boundary line of the lands of the proprietors of said Union wharf, to the northern boundary line of the lands of the proprietors of Sargent's wharf, so called, through the point at which said boundary lines, when extended, will intersect each other.

Wharf may be extended.

Proviso.

SECT. 2. *Be it further enacted,* That nothing herein contained shall be so construed as to authorize said proprietors to lessen or injure the rights or property of any other person or persons whatsoever. [*Feb. 27, 1829.*] See act, 1836 ch. 167.

Proprietors not authorized to injure other property.

AN ACT to incorporate the Worcester Coal Company.

Chap. 93.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel B. Thomas, William E. Green, Asahel Bellows, George A. Trumbull, Isaac Davis, Benjamin Butman, and Nathaniel Paine, with such as already have associated or may hereafter associate with them, their successors or assigns, be, and they hereby are made a corporation, by the name of the Worcester Coal Company, for the purpose of digging and raising anthracite coal in the town of Worcester, and for vending the same; and, for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and in the several acts in addition thereto.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation

Real and personal estate. may be lawfully seized and possessed of such real estate, not exceeding the value of four hundred thousand dollars, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid. [Feb. 27, 1829.]

Chap. 94.

An Act to incorporate the Diamond Manufacturing Company.

Persons incorporated.

Powers and duties.

1808 ch. 65.

Real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Asa Whitman, Harvey Clapp, and Oliver Eldridge, together with such others as now are or may be hereafter associated with them, their successors or assigns, be, and they hereby are made a corporation, by the name of the Diamond Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Walpole, county of Norfolk; and, for this purpose, shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said Diamond Manufacturing Company may lawfully hold and possess such real estate, not exceeding the value of ten thousand dollars, and such personal estate, not exceeding twenty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 27, 1829.]

Chap. 95.

An Act to incorporate the Boston and Lowell Manufacturing Company.

Persons incorporated.

Powers and privileges.

1808 ch. 65.

Real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Hurd, Robert Waterston, Thomas Lord, Luther Parks, William Whitney and James C. Dunn, together with such others as now have associated, or may hereafter associate with them, their successors and assigns, be, and are hereby made a corporation, by the name of the Boston and Lowell Manufacturing Company, for the purpose of manufacturing woollen and cotton yarn and cloth, in the town of Lowell, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act passed on the third day of March in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said Boston and Lowell Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real estate, not exceeding in value the sum of three hundred thousand dollars, and personal estate, not exceeding in value the further sum of two hundred thousand dollars. [Feb. 27, 1829.]

An ACT to incorporate the Infant School Society of the city of Boston.

Chap. 98.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elizabeth Thurston, Sarah A. Hall, Sophia Dunn, Susan W. Eustis, Annah S. Jarves and Elizabeth M. Reynolds, all of the city of Boston, with such other persons as may hereafter associate with them, be, and they hereby are incorporated, by the name of the Infant School Society of the city of Boston, for the purpose of gratuitously instructing the infant children of the poor of said city, and may have power to elect such officers, and make such by-laws, as may be necessary and convenient for the government of said institution: *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted* That said corporation may hold real estate, not exceeding ten thousand dollars, and personal estate, not exceeding fifteen thousand dollars.

Real and personal estate.

SECT. 3. *Be it further enacted*, That every married woman belonging to said society, who shall, with the consent of her husband, receive any of the money, or other property of said society, shall thereby render her said husband accountable therefor to said society.

Husband's accountability.

SECT. 4. *Be it further enacted*, That Elizabeth Thurston be, and she is hereby authorized to call the first meeting of said corporation, by giving notice of the time, place and purposes thereof, in any newspaper printed in Boston, seven days previous to the holding of the same.

First meeting.

SECT. 5. *Be it further enacted*, That the Legislature may at any time amend or repeal this act. [*Feb. 28, 1829.*]

Legislative control.

An ACT to incorporate the Proprietors of Middleborough Academy.

Chap 100.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Wilkes Wood, Peter H. Pierce, Arad Thompson, their associates and successors, be, and they hereby are made a body corporate, for the purpose of promoting the education of youth in the town of Middleborough, by the name of the Proprietors of Middleborough Academy.

Persons incorporated.

SECT. 2. *Be it further enacted*, That said corporation may hold real estate, not exceeding three thousand dollars, and personal estate, not exceeding six thousand dollars, to be appropriated and used for the purpose of education and instruction of youth and others, in the languages and sciences.

Real and personal estate.

SECT. 3. *Be it further enacted*, That said corporation may, from time to time, make such by-laws as they may deem necessary for managing the interest of said academy: *provided*, the same be not inconsistent with the laws of this Commonwealth.

By-laws.

SECT. 4. *Be it further enacted*, That any one of the persons named in this act may call the first meeting of said proprietors, by giving personal notice thereof ten days previous to the time of said meeting.

First meeting.

Legislative
control.

SECT. 5. *Be it further enacted*, That this act may at any time hereafter be altered or repealed by the Legislature. [*Feb. 28, 1829.*]

Chap 104.

AN ACT to incorporate the Trinitarian Society in Northfield.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaac Prior, Rodolphus Lyman, Elisha Alexander, Junior, Aaron Lyman, Ebenezer Slate, Elisha Lyman, John Long, John A. Fisher, Thomas Lyman, Elisha Ingram, Phineas Field, Junior, William Field, Lyman Gunn, Earl Wilds and Nathan Priest, together with those who have associated, or may hereafter associate with them, for the purpose of public worship, be, and they hereby are incorporated into a religious society, by the name of the Trinitarian Society in Northfield, with all the powers and privileges, and subject to all the duties and liabilities of parishes, according to the constitution and laws of this Commonwealth.

Powers and
privileges.

Estate.

SECT. 2. *Be it further enacted*, That said society may purchase, hold and possess any estate, real or personal, not exceeding six thousand dollars in value, which they may deem necessary and proper, and apply the interest and income thereof to the support of public worship therein.

Legislative
control.

SECT. 3. *Be it further enacted*, That the powers conferred by this act may be altered, annulled or repealed, at the pleasure of the Legislature. [*Feb. 28, 1829.*]

Chap 105.

AN ACT to incorporate the Concord Mill Dam Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abel Moore, Daniel Shattuck, Nathan Stow and Cyrus Stow, and all such persons as may associate with them, their successors and assigns, be, and hereby are constituted a body corporate, by the name of the Concord Mill Dam Company, and by that name may sue and be sued, defend and be defended, and may have and use a common seal, and ordain such by-laws as to them shall appear necessary and convenient for the government of said corporation, and with reasonable penalties for the breach of such by-laws, not exceeding two dollars for any one breach: *provided*, that such by-laws shall not be repugnant to the laws of this Commonwealth.

General pow-
ers.

Real estate.

SECT. 2. *Be it further enacted*, That the said corporation be, and the same hereby is declared capable to hold, have and possess, in fee simple or otherwise, all or any part of that real estate not exceeding twenty thousand dollars in amount, in the town of Concord, lying on the Mill Brook, so called, bounding north on land of the county of Middlesex, east on the county road, south on the road leading round the Mill Pond, so called, and westerly on a line running within forty rods of said Mill Brook: *provided*, the said corporation shall acquire the same by legal grant from the lawful proprietors thereof, and said corporation shall have power to grant, sell and alien, in fee simple or

Proviso.

otherwise, the said corporation property, or any part thereof, and to lease, manage and otherwise improve the same, according to their will and pleasure, and by such forms of conveyance and contract as shall by their by-laws be provided.

SECT. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the form of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation in a book to be kept for that purpose, and shall be liable to attachments on mesne process, and sale on execution, in the same manner and according to the form of the statutes making provisions for the attachment and sale of shares of debtors in incorporated companies.

SECT. 4. *Be it further enacted*, That the real estate, and other property of said corporation, shall be liable to be attached on mesne process, and be set off and sold on execution, against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process.

SECT. 5. *Be it further enacted*, That in all meetings of the stockholders in said corporation, each member shall be entitled to one vote for each share held by him.

SECT. 6. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said corporation, by posting notice in some public place in Concord, seven days at least before the time appointed for such meeting, and the corporation at their first meeting, and afterwards annually, on such day as shall be established by their by-laws, shall choose a president, clerk and such other officers as they may see fit, which clerk shall be under oath; they may also agree upon the mode of calling future meetings.

SECT. 7. *Be it further enacted*, That the Legislature may alter, amend or repeal this act, at any time after twenty years.

SECT. 8. *Be it further enacted*, That all covenants or contracts which shall be made by said corporation, and all debts due from it, shall be binding on each one and all of those persons, individually, who shall be stockholders in said corporation when such contracts respectively are made, and on their respective heirs, executors and administrators, in the same manner as if such covenants or contracts had been made on debts contracted by such stockholder or stockholders in his or their individual capacity. [Feb. 28, 1829.]

An Act to incorporate the Trustees of the First Methodist Episcopal Society in Weston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jotham Haven and Marshal Jones, of Weston, Jonas Bemis, Ephraim Brown, Emery Bemis, George Weston and Amos Hagar, of Lincoln, be, and they hereby are constituted a body corporate, by the name of the Trustees of the First Methodist Episcopal Society in Weston.

Shares.
Estate liable to attachment, &c.

Votes.

First meeting.

Choice of officers.

Legislative control.

Covenants, &c. binding on each individual.

Persons incorporated.

Chap 106.

Election of officers and by-laws.

SECT. 2. *Be it further enacted*, That the said trustees, and their successors, may elect such officers, and make and ordain such by-laws and regulations as they may deem necessary for their own government, and the management of the funds committed to their care, not repugnant to the constitution and laws of this Commonwealth; the number of trustees shall not exceed nine or be less than seven, a majority of whom shall constitute a quorum for the transaction of business.

Power to hold properly.

SECT. 3. *Be it further enacted*, That the said trustees, and their successors shall have power to hold and possess all the property belonging to said society, both real and personal, in trust, for the use and benefit of said society, and for the sole and exclusive purpose of promoting and supporting the public worship of God in the same society, according to the usages of the Methodist Episcopal church, and all vacancies in said board of trustees shall be supplied according to the by-laws which may be made and ordained by said trustees.

Gifts, grants, &c. confirmed to trustees.

SECT. 4. *Be it further enacted*, That all gifts, grants, bequests, devises or donations made, or which may hereafter be made to said trustees, in their said capacity, for the use and benefit of said society, shall be valid to every interest and purpose, and the said trustees may hold and possess, as aforesaid, funds consisting of real or personal estate belonging to said society, the annual income of which shall not exceed one thousand dollars : *provided*, the same, and the interest and income thereof, be strictly applied and appropriated to promote the objects contemplated in this act, and according to the directions of the donor or donors.

Proviso.

First meeting.

SECT. 5. *Be it further enacted*, That Jotham Haven, before named, be, and he hereby is authorized to call the first meeting of said trustees, by causing a written notice thereof to be left at the dwelling-house of each of the aforesaid trustees, expressing the time, place and purposes of said meeting, at least seven days before the time of holding the same.

Legislative control.

SECT. 6. *Be it further enacted*, That this act may be amended or repealed at the pleasure of the Legislature. [*Feb. 28, 1829.*]

Chap 108.

An ACT to set off a part of the town of Stockbridge, and to annex the same to the town of West Stockbridge.

Boundary.
[South line,
1829 ch. 35.]

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of Stockbridge, in the county of Berkshire, lying west and north of the following described lines, viz : beginning at a point in the north line of the town of Richmond, ninety-two chains easterly from the northwest corner of the town of Stockbridge, thence south, thirty-six degrees west seventy-nine chains and eighty links, thence south, eleven degrees west, one hundred eight chains and eighty links, to the north line of land lately owned by Jacob Churchill, deceased, thence on said Churchill's north line, south, eighty-nine and a half degrees west, forty-two chains and sixty links, to the east line of

said West Stockbridge ; and the inhabitants and estates thereon, be, and the same hereby are set off from the said town of Stockbridge, and annexed to the town of West Stockbridge, in the said county of Berkshire : *provided, however*, that the said land, inhabitants and estates, respectively, shall be holden to pay to the said town of Stockbridge, their just proportion of all unpaid taxes, heretofore voted or assessed by authority of the town of Stockbridge. [March 2, 1829.] Add. act, 1829 ch. 35.

An ACT in addition to an Act entitled "An Act to set off to the Patentees and other purchasers, certain lands on the Island of Choppequidic, in the county of Duke's County, and finally to adjust and determine all disputes between the said Patentees and other purchasers and the Indians on said Island ; and to prevent Cattle, Horses, Sheep, Goats and Swine from going at large on the said Island, at certain seasons of the year."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the guardian of the Indians on the Island of Choppequidic, be, and he hereby is authorized to compel the patentees and other purchasers of lands on said Island, or their heirs, to make and maintain the divisional fence, commonly called the Indian line fence, between the lands of said Indians and the lands of said patentees and other purchasers, and their heirs, in like manner, and under like penalties and forfeitures as are provided by said act, and the acts in addition thereto : *provided*, that if it should happen that said patentees and other proprietors, or their heirs, have not a clerk, then said guardian shall cause a notice to said patentees and other purchasers, or their heirs, to make and repair their respective proportions of said fence, to be posted up in some public and conspicuous place in the town of Edgartown, in said county, two months at least before he shall proceed to prosecute said patentees and other purchasers, or their heirs, to recover the forfeitures provided in the act to which this is in addition.

SECT. 2. *Be it further enacted*, That any act or parts of any act inconsistent with the provisions herein contained, be, and the same hereby is repealed. [March 2, 1829.]

An ACT to incorporate the Boston Lead Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Charles Davis, of Roxbury, William Bourn Swett, Nathaniel Adams, and Tasker H. Swett, of Boston, and their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Boston Lead Company, for the purpose of conducting and carrying on the various processes of manufacturing articles from lead, at Boston, or either of the towns in the vicinity ; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Chap 109.

1788 ch. 35.
(v. 1. p. 214.)
1790 ch. 7.
(v. 1. p. 281.)
1796 ch. 14.
(v. 2. p. 87.)
See also (Appx.
v. 3. p. 33.)

Guardian to
compel paten-
tees to make
divisional fence.

Proviso.

Repeal of former acts.

Chap 110.

Persons incor-
porated.

Powers and
duties.

1808 ch. 65.

Capital stock
and real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid not exceeding in value the sum of fifty thousand dollars, exclusive of the buildings and improvements that may be made thereon by the said corporation. [March 2, 1829.]

Chap 111.

An ACT to incorporate the Proprietors of Chatham Academy.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaac Hardy, John Seabury and Collins Howes, with their associates and successors, be and they hereby are made a body corporate, for the purpose of educating youth in the languages, and in the liberal arts and sciences, by the name of the Proprietors of Chatham Academy, in the county of Barnstable.

By-laws.

SECT. 2. *Be it further enacted*, That said corporation may, from time to time, make such by-laws and regulations as they may deem necessary for the management of the interests and concerns of said academy : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Real and per-
sonal estate.

SECT. 3. *Be it further enacted*, That said corporation may hold real estate not exceeding in value six thousand dollars, and personal estate not exceeding the same sum.

First meeting.

SECT. 4. *Be it further enacted*, That any one of the persons named in this act may call the first meeting of said proprietors, by giving personal notice thereof ten days previous to the time of said meeting.

Legislative con-
trol.

SECT. 5. *Be it further enacted*, That this act may at any time hereafter be altered or repealed by the Legislature. [March 2, 1829.]

Chap 113.

An ACT to incorporate the New England Asylum for the Blind.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonathan Phillips, William Prescott, Isaac Parker, William B. Calhoun, Israel Thorndike, Thomas H. Perkins, William Sullivan, William Parsons, Robert Rantoul, Theodore Sedgwick, Stephen C. Phillips, Richard D. Tucker, John Welles, Samuel T. Armstrong, Thomas Kendall, John Tappan, William Appleton, Samuel A. Eliot, Stephen White, James Savage, Amos Lawrence, Abbott Lawrence, Josiah J. Fiske, George Bond, Edward Brooks, William Thorndike, John Homans, James C. Merrill, Franklin Dexter, John C. Gray, William H. Prescott, Bradford Sumner, Benjamin T. Pickman, John D. Fisher, Isaac L. Hedge, William P. Mason, John Lowell, Jr., Charles M. Owen, Thomas A. Green, together with such other persons as may be admitted members of the corporation herein after created, according to the by-laws thereof, be, and they hereby are, incorporated, by the name of

the New England Asylum for the Blind, for the purpose of educating blind persons.

SECT. 2. *Be it further enacted*, That the said corporation may take, receive and hold, purchase and possess, any grants and devises of lands and tenements, in fee simple or otherwise, and any donations, bequests and subscriptions of money, or other property, to be used for the erection, support and maintenance of an asylum for blind persons : *provided*, that the income of said corporation, from its real and personal estates together, shall not, at any time, exceed the sum of thirty thousand dollars.

Real and personal estate.

SECT. 3. *Be it further enacted*, That the Legislature of this Commonwealth, or any committee or officer duly appointed by them for that purpose, may, from time to time, send to the said asylum, for maintenance and education, such blind persons as they may think proper, which persons, so sent, shall be admitted to all the privileges and advantages, and be subject to all the rules and regulations of the said asylum : *provided*, that the whole number of blind persons so maintained and educated at said asylum, under the authority of the Legislature of this Commonwealth, shall at no one time exceed thirty.

Legislature may send persons to the asylum.

Proviso.

SECT. 4. *Be it further enacted*, That the said asylum shall be under the direction and management of twelve trustees, who shall be chosen annually, and shall remain in office until others are chosen and qualified in their stead ; four of which trustees shall be chosen by the board of visitors herein after mentioned, and the remaining eight by the corporation aforesaid.

Number and choice of trustees.

SECT. 5. *Be it further enacted*, That the said corporation may, at their first or any subsequent meeting, choose all necessary and convenient officers, who shall have such powers and authorities as the said corporation may think proper to prescribe and grant to them, and who shall be elected in such manner, and for such periods of time, as the by-laws of said corporation may direct ; and the said corporation may make and establish such by-laws and regulations for the internal government and economy of the said asylum as they may think proper, provided the same are not repugnant to the laws and constitution of this Commonwealth.

Choice of officers.

By-laws.

SECT. 6. *Be it further enacted*, That the governor and lieutenant governor, the president of the senate, and speaker of the house of representatives, with the chaplains of the Legislature, for the time being, be, and they hereby are, made and constituted a board of visitors of the said asylum, with authority to visit the same semi-annually, and as much oftener as they may think proper, in order to inspect the establishment, and to examine the by-laws and regulations enacted by said corporation, and generally to see that the object of the said institution is carried into effect.

Board of visitors.

SECT. 7. *Be it further enacted*, That there shall be paid out of the treasury of this Commonwealth, to the said corporation, for the maintenance and education of each blind person sent

Compensation to be paid by the Commonwealth.

to the said asylum under the authority of the Legislature, the same compensation, as by the by-laws of said corporation may be demanded, and is actually received, for the maintenance and education of such other blind persons as are at that time residing in said asylum. And the governor of this Commonwealth, for the time being, is hereby authorized, by and with the advice of his council, from time to time, to draw his warrant on the treasury for such sums of money, as shall appear, from a certificate under the hands of the four trustees, appointed by the board of visitors as aforesaid, to be the true amount then due to the said corporation from the Commonwealth, for the maintenance and education of such persons.

Change of
name author-
ized.

SECT. 8. *Be it further enacted*, That it shall be lawful for the said corporation, at any general meeting of the members thereof, to alter and change the name of said corporation, and to substitute therefor such other name as they may deem expedient, and upon such change so as aforesaid made, the said corporation shall have, hold and enjoy all the powers and privileges given by this act, notwithstanding such alteration and change of name.

First meeting.

SECT. 9. *Be it further enacted*, That Jonathan Phillips is hereby authorized to call the first meeting of said corporation, by causing a notification thereof to be published, three weeks successively, in any three of the newspapers printed in the city of Boston. [March 2, 1829.]

Chap 115.

AN ACT to incorporate the Taunton Female Charitable Association.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abigail West, Mary B. Bush, Martha B. Richmond, Sarah W. Richmond, with such as may be associated with them, be, and they hereby are incorporated, by the name of the Taunton Female Charitable Association, and by that name, they and their successors shall be a corporation forever, for the purpose of furnishing charitable relief to such indigent persons as are not public paupers, nor supported by the overseers of the poor of the town, but to such as are in need of occasional and temporary charities, whose wants are intended to be relieved by the beneficence of this society, reserving to themselves the privilege and power of appropriating the annual income of such fund as may hereafter be raised, exceeding the sum of thirty dollars, to be expended in the establishment and support of an infant school for the instruction of the children of the poor in the town of Taunton, with power to sue and be sued, to make, appoint and have a common seal, and the same to alter at pleasure, to make by-laws for the regulation and government of said society, and contracts for the control and direction of the funds thereof, not repugnant to the constitution and laws of this Commonwealth: and they are hereby authorized and empowered to make purchases, and to receive grants, devises and donations of estate real and personal, for the use and benefit of

Appropriation
of funds.

General powers.

Real and per-
sonal estate.

said society : *provided*, the value of the real estate of said society shall not exceed the sum of ten thousand dollars, and the annual income of the whole of said estate, real and personal, shall not exceed the sum of two thousand dollars.

SECT. 2. *Be it further enacted*, That said society shall hold annual meetings in Taunton, at such times as shall be appointed by their by-laws, and shall elect by ballot a board of managers, consisting of a first and second directress, a secretary, treasurer, and a committee of seven females. Annual meeting.

SECT. 3. *Be it further enacted*, That the said Abigail West be, and she is hereby authorized to call the first meeting of said corporation, by giving public notice thereof, in one or more of the newspapers published in Taunton, at such time and place as she shall judge proper, at least seven days before the time of the meeting, for the purpose of choosing the officers of the society, and for the purpose of exercising the powers vested in them by the terms of this act. First meeting

SECT. 4. *Be it further enacted*, That the treasurer of said society shall always be a single-woman, of the age of twenty-one years or upwards, and shall give bond, with sufficient surety or sureties, to account annually, or oftener, if required by said society, or the board of managers, for all monies and other property of said society, coming to her hands, and in general to discharge the duties of said office with fidelity : and every married woman belonging to said society, who shall, with the consent of her husband, receive any money or other property of the same society, shall thereby render her said husband accountable therefor to said society. Treasurer.
Husband's accountability.

SECT. 5. *Be it further enacted*, That this act may, at any time hereafter, be altered or repealed by the Legislature. Legislative control.
[March 2, 1829.]

AN ACT to set off Josiah Snow and John Snow from the town of Truro, and annex them to the town of Provincetown.

Chap 116.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Snow and John Snow, with their families and estates, together with all other persons living on the lot which is now the first and formerly the third in Truro, adjoining said Provincetown, shall be, and they hereby are set off from said town of Truro, and annexed to said town of Provincetown, and shall forever hereafter be subject to all the duties, and entitled to all the privileges, of citizens and inhabitants of Provincetown : *provided, however*, that said persons so set off shall be liable to pay all taxes that have been legally assessed on them by said town of Truro, in the same manner as if this act had not been passed : *and provided, further*, that, until a new valuation of polls and estates shall be taken and made, the said town of Provincetown shall be liable to pay over to the town of Truro all such sums of money as shall be levied and collected from the persons set off as aforesaid, as their proportion of the state and county taxes. Persons set off.
Provisos.

Settlement of
paupers.

SECT. 2. *Be it further enacted*, That all such persons, who have heretofore lived on said first lot, now prayed to be set off, and, by reason of birth, or derivation, or holding property, or being taxed there, shall have gained a settlement in said Truro, and shall not subsequently have gained a settlement in any other town or place, shall, with their descendants, be considered as having their lawful settlement in said town of Provincetown: *provided, however*, that, if said persons, subsequently to their being on said first lot, shall have removed to any other part of the town of Truro, and by any of the means aforesaid would have gained a settlement in Truro, if they had not lived in said first lot, their lawful settlement shall still be in Truro.

Proviso.

Dividing line.

SECT. 3. *Be it further enacted*, That the dividing line between the town of Truro and the town of Provincetown shall, in future, be the line between the first and second lots of said town of Truro, as they have been known since the passing of an act, entitled "an act to set off Silas Atkins, Junior, and others, from the town of Truro, and annex them to the town of Provincetown," and, before the passing of said act, the third and fourth lots of said town of Truro, and as the said line now runs across the cape, from the waters of the harbour, upon the south inside, to the sea upon the north or back side: *provided*, that nothing in this act shall alter or diminish the right of Truro in the lobster and clam fishery, within the line described in an act of the General Court, passed on the fifteenth day of February, in the year of our Lord one thousand eight hundred and twenty-five, entitled "an act to prevent the destruction of the lobster and clam fishery in the town of Truro, in the county of Barnstable, and to preserve and regulate the same, within the waters and shores of said town." [March 2, 1829.]

1813 ch. 25.

Proviso.

1824 ch. 71.

Chap 119.

AN ACT to incorporate Trustees of the Ministerial Fund of the First Congregational Society in Boylston.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jotham Bush, James Longley, Aaron White, Abijah Flagg, Asaph Andrews, John Andrews and Nathaniel Davenport, and their successors, be, and they are hereby constituted a corporation, by the name of the "Trustees of the Ministerial Fund of the First Congregational Society in Boylston," with power to hold real and personal estate, not exceeding in value the sum of ten thousand dollars, and with power also to appoint all such officers, and ordain all such by-laws, as may be necessary and convenient in the management of said fund: *provided*, such by-laws are not repugnant to the laws and constitution of this Commonwealth.

Estate.

By-laws.

Number of trus-
tees, their pow-
ers and duties.

SECT. 2. *Be it further enacted*, That the number of said trustees shall never be less than seven, and that four shall be a quorum to transact business, and that said trustees be authorized to receive and hold, manage and improve all property now constituting said fund, and whatever may be hereafter given to increase the same, subject to the limitation aforesaid, and said

trustees shall apply the income thereof to the support of the minister of said society forever, and if the said income shall exceed the annual salary of such minister, then the surplus shall be applied to such other parochial charges as the society shall direct, and said trustees shall be liable, in their private capacities, for any official mismanagement of said trust; they shall keep, for the inspection of said society, a fair record of their proceedings, and shall make an annual statement of the receipts and expenditures to said society, and shall receive no compensation for their services other than what said society may make to them; and all vacancies in said board of trustees shall be filled by said society, at any legal meeting thereof held for that purpose.

Trustees' liability.

SECT. 3. *Be it further enacted*, That Jotham Bush, above named, be authorized to call the first meeting of said trustees, by causing to be left at their several places of abode, at least ten days previous to the same, a written notice, setting forth the time, place and purposes thereof.

First meeting.

SECT. 4. *Be it further enacted*, That the Legislature may, at any time, alter, amend or repeal this act. [March 3, 1829.]

Legislative control.

An Act declaring and confirming the incorporation of the Proprietors of the First Church in Boston.

Chap 122.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all persons who now are or hereafter may be, the proprietors of pews in the meeting-house in Chauncey Place, in Boston, be, and they hereby are declared and confirmed, to be a body corporate and politic, by the name of "the First Church in Boston," with power to elect such officers, and to pass such by-laws, as may be necessary for the proper management of their affairs, and with all other powers, rights and privileges, which, by the constitution or laws of this Commonwealth, belong to parishes; and with power also to purchase, take and hold, any estate, real, personal or mixed, for the support of the ministry, and the suitable maintenance of the public worship of God, and the same to sell, mortgage or otherwise dispose of, as they may see fit: *provided*, that the whole estate of the said corporation, exclusive of their meeting-house, shall not exceed, in its annual income, the sum of five thousand dollars, and the said corporation shall be, and hereby are declared in law to be seized and possessed of the said meeting-house, with all the land under and adjoining the same, and of all other lands, tenements and estate heretofore possessed and enjoyed by the proprietors of the First Church, or by the deacons, or any other officers of the same for their use, with all the rights, privileges and appurtenances to the same belonging, reserving however to the several proprietors of pews in the said meeting-house, their right to, and interest in, their said pews respectively.

Proprietors of pews incorporated.

Estate.

Proviso.

SECT. 2. *Be it further enacted*, That the said proprietors shall be entitled to all the privileges which they have heretofore in fact enjoyed, and shall be subject to all the duties they have

Privileges and duties.

heretofore in fact been subject to, and shall be bound by all the contracts they have heretofore in fact entered into.

Assessments.

Pews liable to be sold for the payment of assessments.

SECT. 3. *Be it further enacted*, That all monies raised by the said proprietors, for any lawful purpose, shall be assessed upon the several proprietors of the pews in said meeting-house, or in any other meeting-house, that may be substituted therefor, according to the relative value of the said pews, regard being had to their situation and convenience, and the said pews shall be held liable to be taken and sold for the payment of all assessments duly made, and for the discharge of all expenses incurred by such sale, in such manner, and upon such events, circumstances and conditions, as have been, or may be hereafter ordered and directed by the said proprietors, at any legal meeting, and which are or may be summarily expressed and contained in the deed or conveyance of the pews ; and the said assessments shall be considered as a lien upon the said pews.

Officers.

SECT. 4. *Be it further enacted*, That the present officers of the said proprietors, shall be, and remain in office until the first annual meeting of the said corporation, unless by decease or resignation, the place of any of them should become vacant, in which case the said proprietors may elect others to fill such vacancies ; and the said officers shall cause the first meeting of the said corporation to be called by a printed notification to each proprietor of a pew in said meeting-house, and afterwards notice of the meetings of said corporation shall be given in such manner as the corporation shall direct.

Legislative control.

SECT. 5. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature. [March 3, 1829.]

Chap 123.

1825 ch. 52.
1826 ch. 97.

An Act in addition to an Act establishing a Fire Department in the city of Boston.

Members exempt from militia duty after seven years service.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That every member of the Fire Department of the city of Boston, who shall produce a certificate, signed by the mayor of said city, that he has served as a member of said Fire Department for seven successive years after the age at which the laws of the United States, or of this Commonwealth, may hold the citizens thereof liable to enrolment in the militia, shall be exempted from all militia duty excepting that of keeping himself constantly furnished with the arms and equipments required by the laws of the United States, and the duty of carrying or sending them on the first Tuesday of May, annually, to the place of inspection or view of arms of the company, within whose bounds he may reside, and in which he is enrolled. [March 3, 1829.] Add. act, 1831 ch. 52.

Chap 124.

1826 ch. 81.

An Act to revive and continue in force an Act to preserve and secure from damage Marshfield Beach, and the meadows thereto adjoining.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act made on the twenty-first day of February, in the

year of our Lord one thousand eight hundred and twenty-seven, entitled “an act to preserve and secure from damage Marshfield Beach, and the meadows thereto adjoining,” be, and the same is hereby revived, re-enacted and continued in force, and the same and every provision and clause therein contained, shall have the same force and effect as if the condition and limitation expressed in the eighth section thereof had not been contained therein: *provided*, that the inhabitants of the town of Marshfield, at a legal town meeting called for that purpose, shall, by a written vote, determine to adopt the said act within six months after the passing of this act, and not otherwise. [March 3, 1829.]

St. 1826 ch. 81.
revived.

Proviso.

AN ACT to set off Samuel Gibson from the Town of Fitchburg, and annex him to the Town of Ashby.

Chap 125.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Gibson, his family, and his buildings of every description, together with so much of the farm, whereon he now lives, east and north of the following described lines, to wit: beginning at the southwest corner of the town of Ashby, thence running south twelve degrees east, ninety-six and an half rods to the southwest corner of the said Gibson's farm, thence north eighty-two degrees east, two hundred and thirty-five rods, to the east line of said Gibson's farm, where it intersects the line of Ashby and Fitchburg, be, and they hereby are set off from the town of Fitchburg, in the county of Worcester, and annexed to Ashby, in the county of Middlesex, and the said Samuel Gibson and his family shall hereafter be considered inhabitants of the town of Ashby, and shall there exercise and enjoy all their rights and privileges, and shall be subject to all the duties and requisitions in the like manner with the other inhabitants of said town of Ashby: *provided, however*, that the said Samuel Gibson shall be holden to pay all taxes which have been legally assessed upon him by the town of Fitchburg prior to the passing of this act.

Persons, &c.
set off.

Boundary.

Proviso.

SECT. 2. *Be it further enacted*, That all persons who shall become poor and stand in need of relief, and who have gained or shall hereafter gain lawful settlements on the land hereby set off from said town of Fitchburg to said town of Ashby, either by themselves or derivatively, shall be considered the proper poor of said Ashby, and be supported therein. [March 3, 1829.]

Settlement of
paupers.

AN ACT to incorporate the President, Directors and Company of the Cohannet Bank.

Chap 126.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Mason Williams, Job Godfrey, William Read, Dan Wilmarth, Jr., Jacob Chapin, their associates, successors and assigns, shall be, and they hereby are created a corporation, by the name of the President, Directors and Company of the Cohannet Bank, and shall so continue for the term of twenty years, from and after the first Monday in October, in the

Persons incor-
porated.

Powers and duties.

1828 ch. 96.

Capital stock.
[Capital increased, 1836 ch. 110.]

Location.

First meeting.

year of our Lord one thousand eight hundred and thirty-one, subject to all the rules, limitations, restrictions, liabilities and provisions, and entitled to all the privileges and immunities specified and contained in an act, passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled "an act to regulate banks and banking."

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct and determine: *provided*, the whole be paid within one year from the passing of this act.

SECT. 3. *Be it further enacted*, That the said bank shall be established in the town of Taunton, and that any one of the persons before named shall be authorized to call the first meeting of said corporation, by advertising the same in any newspaper printed in the town of Taunton, ten days at least before said meeting. [March 3, 1829.] Add. acts, 1830 ch. 139 : 1836 ch. 110.

Chap 127.

AN ACT empowering the Selectmen of the Town of Roxbury to increase the number of Enginemen in said Town.

Selectmen authorized to appoint additional enginemen.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the town of Roxbury, for the time being, whenever they deem it expedient, are hereby authorized and empowered hereafter, to nominate and appoint twenty enginemen, in addition to the number now authorized by law, to be attached to any suction engine which may hereafter be owned and established in said town, which enginemen so appointed shall be subject to the same duties, and vested with the same powers, rights and privileges, and entitled to the same exemptions with other enginemen as now by law provided. [March 3, 1829.]

Chap 129.

AN ACT further to regulate the Shad and Alewife Fishery in the town of Malden.

1815 ch. 43.

Sale of right of taking fish.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the passing of this act, it shall and may be lawful for the inhabitants of the town of Malden, in the county of Middlesex, at any legal meeting to be holden for that purpose, in each year, to sell at public auction the right and privilege of taking the fish called shad and alewives, within the limits of said town with one seine or dragnet only, on two of the days only, in each week, on which it is now lawful to take said fish in said town, and all monies arising from the sale of said right and privilege, shall be paid into the treasury of said town, and be appropriated for the support of the poor thereof.

Penalty for taking fish contrary to the provisions of this act.

SECT. 2. *Be it further enacted*, That if the purchaser or purchasers of the said right and privilege, or those employed by them, shall presume to take any of the said fish with more than one seine or dragnet, or on any other than two of the days

in each week, on which it is lawful to take said fish in said town; and if any other person or persons whatever, shall at any time take any of the said fish with a seine or dragnet within the limits of said town, every person so offending, shall, for each offence, forfeit and pay a sum not exceeding twenty dollars nor less than ten dollars, to be recovered by an action of debt in any court proper to try the same, one half to the use of said town of Malden, and the other half to him or them who shall sue for the same: *provided, however*, that nothing in this act contained shall be so construed as to prevent any of the inhabitants of said town from taking said fish with dip nets as has been heretofore their custom. [*March 3, 1829.*]

Proviso.

An ACT to incorporate the trustees of the First Methodist Episcopal Church and Society in Salem.

Chap 130.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jesse Fillmore, Samuel Berry, Jonathan Smothers, Joseph Dixon and Richard Frost, of Salem, be, and they hereby are, constituted a body corporate, with their associates and successors, by the name of the trustees of the First Methodist Episcopal Church and Society in Salem.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said trustees, and their associates and successors, may elect such officers, and make and ordain such by-laws and regulations, as they may deem necessary for their own government, and the management of the funds committed to their care, not repugnant to the constitution and laws of this Commonwealth. The number of trustees shall not exceed nine, or be less than five, a majority of whom shall constitute a quorum for the transaction of business.

Election of officers and number of trustees, &c.

SECT. 3. *Be it further enacted*, That said trustees, and their associates and successors, shall have power to hold and possess all the property belonging to said church and society, both real and personal, in trust for the use and benefit of said church and society, for the purpose of promoting and supporting the public worship of God, according to the usages of the methodist episcopal church, and other benevolent and religious purposes; consistent with the interest of said church and society, and all vacancies in said board of trustees, occurring by death, resignation or otherwise, may be supplied by said trustees in such manner as they may direct in their by-laws, and in conformity to the usages of said church.

Property.

SECT. 4. *Be it further enacted*, That all gifts, grants, bequests, devises or donations made, or which may hereafter be made, to said trustees, in their said capacity, for the use and benefit of said church and society, shall be valid to every intent and purpose, and the said trustees may hold and possess, as aforesaid, funds consisting of real or personal estate belonging to said church and society, the annual income of which shall not exceed two thousand dollars: *provided*, the same, and the interest and income thereof, be strictly applied and appropriated to pro-

Donations and appropriation of income.

mote the objects contemplated in this act, and according to the directions of the donor or donors.

First meeting.

SECT. 5. *Be it further enacted*, That Jesse Fillmore, before named, be, and he hereby is, authorized to call the first meeting of said trustees, by notice of the time and place to each of the aforesaid trustees, at least seven days before the time of holding the same.

Legislative control.

SECT. 6. *Be it further enacted*, That this act may be amended or repealed at the pleasure of the Legislature. [March 3, 1829.]

Chap 131.

An ACT in addition to an Act to incorporate the President, Directors and Company of the Lowell Bank.

1827 ch. 126.

Increase of capital stock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Lowell Bank, be, and they hereby are, authorized and empowered to increase their present capital stock by an addition of fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid, in such instalments, and at such times, as the president and directors of said bank may direct and determine : *provided, however*, that the whole amount shall be paid in within one year from the passing of this act : *provided, also*, that the said bank shall be governed by all the rules, and subjected to all the duties, limitations, restrictions, liabilities and provisions contained in an act entitled “an act to regulate banks and banking,” passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine. [March 3, 1829.] Add. acts, 1830 ch. 58 : 1832 ch. 72.

Proviso.

Bank to be subject to the rules of st. 1823 ch. 96.

Chap 133.

An ACT to alter the Town Line between the towns of Medway and Holliston.

Change of town and county line.

Boundary.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the dividing line between the towns of Medway and Holliston shall be altered, and shall hereafter be established as follows, to wit :—beginning at the Milford line, between the farm of Nahum Clark, and the farm formerly owned by Captain Aaron Pond, thence easterly, on the line between said farms to the river, thence easterly to the north-east corner of the Joseph Rider farm, so called, thence easterly to a white oak tree, about thirty rods north of Captain John Harding’s barn, east of the road, thence easterly to the south line of the farm formerly owned by Abner Morse, Esquire, on the road passing through said farm, thence easterly on the line of said farm to the pond road, so called, thence turning southerly on said road, about twenty-five rods to the south-west corner of the old Rockwood farm, so called, thence easterly on the south line of said Rockwood farm, to the old grant line, so called, thence northerly on said grant line to the line between said Medway and Holliston ; and that part of said Holliston which lies south of said line, shall hereafter belong to said Medway, and be a part of the county of Norfolk ; and that part of said Medway which

lies north of said line, shall hereafter belong to said Holliston, and be a part of the county of Middlesex.

SECT. 2. *Be it further enacted*, That all persons, who may have obtained or derived a legal settlement by a residence on any of the lands annexed by this act to the said towns of Holliston or Medway, and who shall hereafter become chargeable to either of said towns for their support, shall be supported by the town within whose limits such pauper or paupers shall have derived a settlement, according to the lines of said towns, as established by this act. [March 3, 1829.]

Settlement of
paupers.

An ACT to change the names of the several persons therein mentioned.

Chap 135.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several persons herein named shall hereafter be known and called by the names they are hereby respectively allowed to assume, viz: That John D. Pierce, minor son of Joseph H. Pierce, may take the name of John Pierce; that William Brown may take the name of Augustus William Browne; that Oliver Bliss may take the name of Oliver Henry Bliss; that John Randall, minor son of Elizabeth Randall, may take the name of Otis Gray Randall; that Bant Hawkes may take the name of George Washington Hawkes; that Barnabas Reed may take the name of George Crosby Reed; that Charles Ayer may take the name of Charles Washington Ayers; that John Leighton Fogaty may take the name of John Perkins Leighton; that John Roberts, book-binder, may take the name of John Gray Roberts; that George Gray, minor son of Sally Gray, may take the name of John Gray; that Mary Davis, wife of William Davis, may take the name of Mary Jane Davis; that Ann T. Jones may take the name of Anna T. Jones; that Caroline Maria Sumner may take the name of Caroline Sumner Harris; that Abba Harris Sumner may take the name of Abba Sumner Harris; that Susan Eastman, formerly the wife of Samuel Eastman, may take the name of Susan Elizabeth Osborne; that Charles Edward Eastman, minor son of the above named Susan, may take the name of Charles Edward Osborne; and that Daniel Carney, Junior, may take the name of Daniel Williams Carney; all of the city of Boston:—That Moses Endicott, of Salem, may take the name of Charles M. Endicott; that William Goodhue, Junior, of Salem, may take the name of William Penniman Goodhue; that Penn T. Richardson, of Salem, may take the name of Penn Townsend; that Samuel Ober, 3d., of Beverly, may take the name of Samuel Stuart Ober; that Henry Clement Chubuck, of Boxford, may take the name of Henry Clement Sullivan; that Tristram Coffin Otis, of Newburyport, may take the name of James Frederick Otis; that Theodore Norwood, minor son of Eliza Rowe, of Gloucester, may take the name of Gorham Norwood; that Sarah K. Jewett, of Ipswich, may take the name of Sarah Kimball; that George Schaffer, minor son of Eliza Dexter, of Gloucester, may take the name of George Vila; that John Vila Schaffer, minor son of the above named Eliza, may

Names changed.
Suffolk.

Essex.

- take the name of John Vila; that Elizabeth Robbins Schaffer, minor daughter of the before named Eliza, may take the name of Elizabeth Robbins Vila; all of the county of Essex:—That Tilly Whitcomb Eames, minor son of Judith Eames, of Reading, may take the name of Henry Ames; that Luther Sherman, Junior, of East Sudbury, may take the name of Luther Wheeler Sherman; that Sarah Tarbell, of Lincoln, may take the name of Sarah Harding Tarbell; that Abigail Fox Hoar, of Lincoln, may take the name of Abigail Fox; that Sally Johnson, of Reading, may take the name of Sarah Ann Johnson; that Angela Eaton Gould, of Reading, may take the name of Mersylna Jane Johnson; all of the county of Middlesex:—That Cornelius Fellows Davis, of Roxbury, may take the name of Charles Davis; that Minot Hickox, of Weymouth, may take the name of Minot Harrington; that Anjenette Tinkham, daughter of Reuben Tinkham, Junior, of Wrentham, may take the name of Anjenette Blake; that Hiram Cary, of Medway, may take the name of William H. Cary; all of the county of Norfolk:—That James Maccubbin Lingam Ward, minor son of Andrew H. Ward, of Shrewsbury, may take the name of William Ward; that Samuel Cephas Williams, of Shrewsbury, may take the name of Samuel Putnam Williams; that Abijah Moore, of Lancaster, may take the name of Francis Merritt; that David Holder, of Bolton, may take the name of David Green Holder; that James Taylor, minor son of John Taylor, of Leominster, may take the name of John James Taylor; that Dexter Whitney, of Westborough, may take the name of Dexter Osborne Whitney; that Hannah Smith, infant daughter of the late William Smith, of Mendon, may take the name of Maria Emeline Barber Stone; that Sarah Larkin, of Bolton, may take the name of Sarah Ann Haynes; that Sarah Boutelle, daughter of Sarah Boutelle, of Leominster, may take the name of Sarah Newton Boutelle; all of the county of Worcester:—That Charles Dwight, of Belchertown, may take the name of Charles Hobart Dwight; that Hezekiah Watrous Davis, of Amherst, may take the name of Hezekiah Davis; that Willard Nelson Taylor, of Granby, may take the name of Willard Taylor; that Flavel Griswold, of South Hadley, may take the name of John Flavel Griswold; all of the county of Hampshire:—That Jonathan Walker, of West Springfield, may take the name of Jonathan Freeland; that Nathan David Hall, minor son of Margaret Hall, of Granville, may take the name of Gordon Nathan David Hall; all of the county of Hampden:—That Madison Bowker, of Savoy, may take the name of James Madison Bowker; that Curtis Mattoon, minor son of Charles Mattoon, of Lenox, may take the name of Charles Nash Mattoon; that Caroline Martin, daughter of Joel Martin, may take the name of Caroline Martin Brown; all of the county of Berkshire:—That Archippas C. Hart, of New Bedford, may take the name of Charles Hart; that Sion Seabury, of Westport, may take the name of Franklin P. Seabury; that Lucy Leonard Richmond, of Taunton, may take the
- Middlesex.
- Norfolk.
- Worcester.
- Hampshire.
- Hampden.
- Berkshire.
- Bristol.

name of Lucy Leonard Eaton; that Thankful Pierce Richmond, daughter of the above named Lucy, may take the name of Maria Thankful Pierce Eaton; all of the county of Bristol:—That Morse Courtis Watson Hastings, of Sandwich, may take the name of Watson Hastings; that Samuel Davis, minor son of Wendell Davis, of Sandwich, may take the name of Samuel H. Davis; that John Thornton Kirkland Davis, minor son of the above named Wendell, may take the name of Wendell Thornton Davis; all of the county of Barnstable:—That George Coffin, of Nantucket, may take the name of George Washington Coffin. [March 4, 1829.]

AN ACT to incorporate the Salem and Boston Stage Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Robert Manning, John Dike, James Potter, William Manning, Woodbury Page, Joseph S. Leavitt, B. L. Rand, W. D. Winchester, Jacob B. Winchester, Benjamin Bray, Albert Knight and Benjamin F. Whitmore, with such others as may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Salem and Boston Stage Company, for the purpose of conveying passengers between the city of Boston and the towns of Salem, Beverly and Gloucester, and between the town of Salem, and the towns of Gloucester, Haverhill and Lowell, with liberty to convey passengers to and from all places upon the aforesaid routes, and for that purpose shall have all the powers and privileges, and shall be subject to all the duties, restrictions and liabilities, prescribed and contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto: *provided, however,* that said company shall not ask or demand, for the conveyance of any passenger with usual baggage, any greater sums than the following, to wit: between the city of Boston and the town of Salem, by way of the Salem turnpike, one dollar, and between the same places, by way of Danvers, seventy-five cents; between the city of Boston and the town of Gloucester, the sum of one dollar and seventy-five cents; between the city of Boston and the town of Beverly, one dollar; between the town of Salem and the town of Lowell, one dollar and fifty cents; between the town of Salem and the town of Haverhill, one dollar; between the town of Salem and the town of Gloucester, one dollar; between the town of Salem and the town of Danvers, twelve and an half cents; and between the city of Boston and the town of Lynn, fifty cents.

SECT. 2. *Be it further enacted,* That said company may lawfully hold and possess real estate in the town of Salem, not exceeding the value of ten thousand dollars, and personal estate, not exceeding the value of forty thousand dollars.

SECT. 3. *Be it further enacted,* That the name of said company shall be conspicuously affixed on all carriages which may be used by them; and if said company shall neglect to comply with this requirement, they shall be liable to forfeit and pay ten dollars for each and every day during which any of their said carriages may be employed in the transportation of passengers, without having their said name so affixed thereto; which forfeiture may be sued for and recovered in any court of competent jurisdiction, by the person who shall first sue for the same, to his own use; and said company shall be responsible for all baggage or other property committed to them, their agents or drivers, to be conveyed on any of said routes, or any part thereof.

SECT. 4. *Be it further enacted,* That this act may be amended or repealed at the pleasure of the Legislature. [March 4, 1829.] Repealed, 1837 ch. 235.

AN ACT in addition to an Act, entitled "An Act to incorporate the Trustees of the Gloucester Ministerial Fund Society"

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the trustees named in the act, to which this is in addition, and their successors, may apply such portion of the income of said fund, annually, to the support of the congregational minister now settled, or who may be hereafter settled, in said society, as in their judgment the interests and welfare of said parish may require. And all such parts of said income, not thus expended, shall be annually added to, and be considered part of the principal

Chap 136.

Persons incorporated.

Powers and duties.
1898 ch. 65.

Rates of fare.

Real and personal estate.

Name of company to be affixed to their carriages.

Responsibility for baggage.

Legislative control.

Chap 140.

1825 ch. 127.

Application of income of fund.

of said fund, any thing in the act aforesaid to the contrary notwithstanding. [March 4, 1829.]

Chap 141.

1785 ch. 54.
(v. 1, p. 114.)
1815 ch. 32.

Parish may assess tax for the enlargement of burial ground.

Estate.

Parish meeting.

Assessments.

An ACT in addition to the several acts establishing the First Parish in Rowley.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Parish in Rowley be, and they hereby are authorized and empowered to assess a tax on all the polls, within the territorial limits of the same, as heretofore by law established and known, and on all such estates, within said limits, together with such other estates, belonging to the inhabitants living within the same, as are liable by law to be taxed, for the support of public worship, for the express purpose only of enabling the inhabitants within the aforesaid limits to enlarge their present burial ground, or purchase land for a new one, and for such other purposes as are necessarily connected therewith, for the use and the benefit of all the inhabitants living within said limits, and their successors forever; and said First Parish in Rowley shall have power to receive and hold, by deed or otherwise, for the aforesaid purposes, so much real and personal estate as shall be found necessary to carry the purposes of this act into effect.

SECT. 2. *Be it further enacted,* That the assessors of the said First Parish in Rowley shall have power, and it shall be their duty, to issue their warrant, on application of ten or more of the qualified voters, residing within the aforesaid limits, to the collector of said parish, or such other person as they may appoint, requiring him to notify and warn a meeting of all the qualified voters residing within the aforesaid parish, to be held at such time and place, and for such purposes, not inconsistent with this act, as shall be set forth in said application; the manner of warning such meeting shall be by posting up notifications at all the several places of public worship within the limits of said parish, seven days at least before holding any meeting; and it shall be the duty of the clerk of said first parish, to attend all meetings notified and warned as aforesaid, and to keep a true record of all their proceedings. And, at any meeting duly convened for the purpose, a majority of the qualified voters present may agree upon, raise and grant such sum or sums of money as they may think necessary for the aforesaid purposes, the better to carry the provisions of this act into effect.

SECT. 3. *Be it further enacted,* That it shall be the duty of the said assessors, to assess all such sum or sums of money, granted as aforesaid, in due form of law, and commit the same to the collector of the said first parish, who shall have power to collect the same, and pay the same over, at such times as the assessors shall appoint, to the treasurer of said first parish, who shall receive the same, subject to the order of said assessors, drawn pursuant to this act. And all the said officers, as aforesaid, are hereby vested with all the authority necessary for the full accomplishment of all the duties required by this act. [March 4, 1829.]

An Act in addition to an Act, entitled "An Act to incorporate the Trustees of the Methodist Religious Society in Boston."

Chap 144.

1808 ch. 70.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the act, entitled "an act to incorporate the Trustees of the Methodist Religious Society in Boston," as relates to the number of said trustees, the number necessary to constitute a quorum to do business, and the right of the minister of said society to nominate persons to the office of trustee of said society, be, and the same is hereby repealed.

Repeal.

SECT. 2. *Be it further enacted,* That the number of said trustees shall at no time exceed nine, all of whom shall be members of the said society and inhabitants of said Boston, and not less than five of the said trustees shall constitute a quorum for the transaction of business; and whenever there shall occur any vacancy in the said board of trustees, by reason of death, resignation, removal from office, or otherwise, the secretary for the time being shall notify and call a meeting of the owners of pews in said society's meeting-house, who shall nominate some suitable persons, (being members of said society, and inhabitants of said Boston,) and from such nominations the remaining trustees shall proceed to elect, by a majority of votes, a person to supply such vacancy.

Number of trustees, quorum, and vacancies.

SECT. 3. *Be it further enacted,* That this act may be amended or repealed at the pleasure of the Legislature. [*March 4, 1829.*]

Legislative control.

An Act in addition to an Act entitled "An Act for establishing an Academy in the Town of Deerfield, by the name of the Deerfield Academy."

Chap. 1.

1796 ch. 62.

(v. 2. p. 123.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the number of the trustees of said academy shall be thirteen, and that the corporation thereof, as now constituted, is hereby authorized to fill up the board in the same manner as vacancies are now filled, any thing in the act to which this is in addition to the contrary notwithstanding. [*June 9, 1829.*]

Number of trustees increased.

An Act to establish a Fire Department in the Town of Marblehead.

Chap. 3.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Marblehead, at their annual meeting in March or April, for the choice of town officers, shall choose nine persons by ballot for firewards.

Town shall choose firewards.

SECT. 2. *Be it further enacted,* That the firewards of said town, for the time being, and those who shall hereafter be chosen as aforesaid, be, and they are hereby authorized and required to exercise all the powers, and to perform all the duties, in relation to the nomination and appointment of enginemen, which the selectmen of said town have been heretofore authorized and required to exercise and perform; and enginemen, appointed by said firewards, shall be subject to the same duties, and entitled

Powers and duties of firewards.

to the same privileges and exemptions, as enginemen heretofore appointed by the said selectmen.

Firewards may
appoint engine-
men.

SECT. 3. *Be it further enacted*, That the said firewards be, and they are hereby authorized, if they shall judge it expedient, to nominate and appoint any number of enginemen, in addition to the number now authorized by law, not exceeding, in the whole, forty-two men to each and every hydraulion or suction engine, twenty-five men to each and every common engine, four men to each hose carriage, twenty men to each sail carriage, twenty men to be employed as a hook and ladder company : *provided*, that no one shall be appointed and nominated as aforesaid who is a seafaring man ;—and the said enginemen are authorized to organize themselves into distinct companies, under the direction of the firewards, to elect captains, clerks and other officers, to establish such rules and regulations as may be approved by the firewards, and to annex penalties to the same, which may be recovered by the clerk of any company so organized, before any justice of the peace in the county of Essex : *provided*, that no penalty shall exceed the sum of ten dollars, and that such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Proviso.

By-laws.

Firewards to su-
perintend
pumps, cisterns,
&c.

SECT. 4. *Be it further enacted*, That the said firewards shall have the care and superintendence of the public pumps and cisterns, and also of the public engines, hose and sail carriages, fire hooks and ladders, together with the fixtures and appendages thereto belonging, and shall cause the same to be kept in good repair, and may, from time to time, make such alterations and improvements as they shall deem expedient.

Penalties for
malicious inju-
ries.

SECT. 5. *Be it further enacted*, That if any person shall, within the said town of Marblehead, wantonly and maliciously spoil, break, injure, damage or render useless any public pump or cistern, or any engine, hose carriage or sail carriage, or any fixture or appendage thereto belonging, and shall be convicted thereof before the supreme judicial court, he shall be punished by a fine, not exceeding five hundred dollars, or by imprisonment, not exceeding five years, at the discretion of the court, and be further ordered to recognize, with sufficient surety or sureties, for his good behaviour, for such term as the court shall order. [June 11, 1829.]

Chap. 4.

An ACT authorizing the Selectmen of Medford to appoint a Company of Hook and Ladder men.

Selectmen may
appoint hook
and ladder men.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the town of Medford, in the county of Middlesex, be, and they hereby are authorized and empowered to appoint a Company of Hook and Ladder men, consisting of not more than fifteen, whose duty it shall be, under the direction of the firewards in said town, to attend fires therein, with fire-hooks, fire sails and ladders, and to be subject to such further duties, and organized and provided in such manner, as the said selectmen shall, from time to time, direct ; and all persons ap-

pointed to said company, pursuant to the foregoing provisions, shall continue in office during the pleasure of said selectmen, and be entitled to all the privileges and exemptions to which enginemen now are, or may hereafter be by law entitled. [June 11, 1829.]

An Act empowering the Selectmen of the town of Lynn to appoint a number of Hosemen.

Chap. 5.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the town of Lynn, for the time being, are hereby authorized and empowered to appoint certain hosemen, not exceeding eight in number, whose duty it shall be to have the charge and management of the hose belonging to the town of Lynn, under the direction of the firewards of said town; which hosemen shall be exempted from the performance of all such military and other public duties, as the enginemen of the said town are now by law exempted from the performance of. [June 11, 1829.]

Selectmen may appoint hosemen.

An Act to incorporate the Essex Mutual Fire Insurance Company.

Chap. 6.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George S. Johannot, Samuel Putnam, Phillip Chase, Ebenezer Seccomb, Abijah Chase, Jonathan Webb, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Essex Mutual Fire Insurance Company, with powers and privileges incident to such corporations, for the term of twenty-eight years.

Persons incorporated.

SECT. 2. *Be it further enacted,* That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said corporation may insure, for the term of from one to seven years, any buildings, goods, or moveables whatsoever, to any amount, not exceeding three quarters of the value of the property insured.

When authorized to insure.

SECT. 3. *Be it further enacted,* That said corporation may choose such officers, and establish such by-laws as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy.

Choice of officers, and by-laws.

SECT. 4. *Be it further enacted,* That the funds of said corporation shall be vested in stocks, or loaned on security, as the directors may order, and shall be appropriated, first, to pay the expenses of the corporation, and next, to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation, exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed triple the amount of such premiums and deposits.

Investment and appropriation of funds.

SECT. 5. *Be it further enacted,* That, whenever any mem-

Levy of execu- ber shall recover judgment against said corporation, he may levy
tions. his execution on their estate or funds ; but if sufficient estate or
funds cannot be found, he may levy the same on the private
property of any of the directors : *provided*, they first refuse or
neglect, for the space of sixty days, to satisfy the execution, after
formal demand made on them for that purpose ; and any director,
whose property may be thus taken, may sustain an action of the
case against the corporation, to recover full and adequate damages
therefor.

Policy shall create a lien. SECT. 6. *Be it further enacted*, That each policy of insur-
ance shall, of itself, without any other ceremony, create a lien
on any building insured, and on the land under it, for the payment
of the premium stipulated in said policy, and of all assessments
lawfully made by virtue thereof, and this provision shall not pre-
vent the taking of other collateral security.

Manner of en- SECT. 7. *Be it further enacted*, That, in case it should be-
forcing lien. come necessary to resort to the lien on the property insured, the
treasurer shall demand payment of the insured, or his legal rep-
resentative, and likewise of the tenant in possession : and in case
of non-payment, the corporation may sustain an action for any
sum due, either on the deposit note, or by assessment, and their
execution may be levied on the premises insured, and the officer
making the levy may sell the whole or any part of the estate at
auction, giving notice and proceeding in the same manner as is
required in the sale of equities of redemption on execution, and
the owner shall have a right to redeem the estate, by paying the
cost of sale, the amount of the execution, and twelve per cent.
interest thereon, within one year from such sale.

Liability to be taxed, and first meeting. SECT. 8. *Be it further enacted*, That this corporation shall
be liable to be taxed by any general law of this Commonwealth,
taxing other similar institutions ; and any member named in this
act may call the first meeting, by advertising the same in any
newspaper printed in Salem. [June 11, 1829.]

Chap. 7. An ACT in addition to an Act, entitled " An Act to establish the Central Turnpike
1824 ch. 13. Corporation."

Allowed further time to com- BE it enacted by the Senate and House of Representatives,
plete turnpike. in General Court assembled, and by the authority of the same,
That the said Central Turnpike Corporation shall be allowed a
further time, until the first day of October next, to complete their
turnpike road ; and they shall retain all their rights and privileges,
and be subject to all duties and liabilities, in the same manner as
if said road were completed within five years from the passing of
the act to which this is in addition. [June 11, 1829.] Add.
act, 1829 ch. 60.

Chap. 8. An ACT to incorporate the Saxon Cotton and Woollen Factory.

Persons incor- SECT. 1. BE it enacted by the Senate and House of Repre-
porated. sentatives, in General Court assembled, and by the authority of
the same, That Joseph Head, Henry Gardner, Edward Miller
and Henry H. Jones, with such others as have already associat-
ed, or may hereafter associate with them, their successors and

assigns be, and they are hereby made a corporation, by the name of the Saxon Cotton and Woollen Factory, for the purpose of manufacturing cotton and woollen goods in the town of Framingham, in the county of Middlesex, and for those purposes shall have all the powers and privileges, and be liable to all the duties and requirements, contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto. [Name changed 1832 ch. 35.]

Powers and duties.
1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value one hundred thousand dollars, and personal estate, not exceeding two hundred thousand dollars, as may be convenient and necessary for the purpose aforesaid. [June 11, 1829.] Add. act, 1832 ch. 35.

Real and personal estate.

An Act to incorporate the Canton Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin C. Ward, Benjamin Guild and Samuel Snelling, Junior, together with such others as now have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Canton Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn and cloth, in the town of Canton, in the county of Norfolk, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Chap. 9.

Persons incorporated.

Powers and duties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said Canton Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate, as may be necessary and convenient for carrying on the said manufactures: *provided*, the value of such real estate shall not exceed two hundred and fifty thousand dollars, and the value of such personal estate shall not exceed two hundred and fifty thousand dollars. [June 11, 1829.]

Real and personal estate.

An Act to incorporate the Proprietors of the Northfield Academy of Useful Knowledge.

Chap. 11.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel C. Allen, William Pomeroy, Jabez Parsons, Daniel L. Callender, Timothy B. Dutton, and Thomas D. Doake, with their associates, successors and assigns, be, and they hereby are made a body politic and corporate, by the name of the Proprietors of the Northfield Academy of Useful Knowledge, in the town of Northfield, in the county of Franklin, for the purpose of giving instruction in the mathe-

Persons incorporated.

matical, physical and mechanical sciences, and in their applications to the business and arts of life, and in such languages and literature as may be thought expedient ; and the said corporation shall have power, from time to time, to choose a clerk, treasurer, and such other officers as they may judge necessary, may have a common seal, which they may alter or renew at their pleasure, may make contracts, sue and be sued, in all actions, and prosecute and defend the same to final judgment and execution, and may make and establish any by-laws, rules and regulations, for the government of their affairs, for the division of their property into shares, and for the sale and transfer thereof : *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

Powers and privileges.

Real and personal estate.

SECT. 2. *Be it further enacted*, That said corporation may lawfully hold and possess such real and personal estate, not exceeding in value fifty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Assessments.

SECT. 3. *Be it further enacted*, That the said corporation may, from time to time, at any legal meeting called for that purpose, assess upon each share in the capital stock, such sum or sums of money, as they may judge expedient for the objects of the corporation, and defraying the expenses thereof, to be paid to the treasurer, at such times as they may direct ; and if any proprietors shall neglect to pay any such assessment for the space of fifteen days after such time of payment, it shall be lawful for the treasurer to sell, at public vendue, such part of the shares of such delinquent proprietor as may be sufficient to pay such assessments with incidental charges, giving notice of the time and place of sale, and the sum due on each share, by posting up notice thereof in the town of Northfield, thirty days at least before the day of the sale thereof, and by publishing the same three weeks successively before the day of sale, in some newspaper printed in the said county of Franklin ; and such sale shall be a legal transfer of the share or shares so sold to the purchaser as aforesaid.

Shares of delinquents may be sold.

First meeting.

SECT. 4. *Be it further enacted*, That any one of the persons named in this act may call the first meeting of said corporation, by giving personal notice of the time and place of meeting, to each of the persons named herein, ten days before the time of such meeting.

Legislative control.

SECT. 5. *Be it further enacted*, That the Legislature may at any time alter or repeal this act. [June 11, 1829.]

Chap. 12.

An ACT to incorporate the Providence and Bristol Turnpike Corporation.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Mason Barney, James Foster, Asa Armington, Jabez Bullock, Josiah Medbury, their associates, and such as may hereafter associate with them, their successors and assigns, shall be a corporation, by the name of the Providence and Bristol Turnpike Corporation, for the purpose of making a turnpike

road, from the westerly part of the town of Seekonk, (near Washington bridge in Providence, Rhode Island,) to the south-easterly part of said Seekonk, in the county of Bristol, in the most direct and convenient way, as a locating committee shall think will best accommodate the public; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in "an act defining the general powers and duties of turnpike corporations," passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto.

Powers and
duties.
1804 ch. 125.

SECT. 2. *Be it further enacted*, That any two of the persons named in the first section of this act, are authorized to call the first meeting of the said corporation.

First meeting.

SECT. 3. *Be it further enacted*, That said corporation shall erect one gate upon said turnpike road, within the limits of the Commonwealth of Massachusetts, at which, half the rates of toll established by said act, defining the general powers and duties of turnpike corporations, shall be taken. [June 11, 1829.]

Rates of toll.

An ACT to confirm a certain tract of Land to the town of Athol and the county of Worcester.

Chap. 13.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land, with the inhabitants thereon, be confirmed to, and considered a part of, the town of Athol, in the county of Worcester, to wit: beginning at a heap of stones at the southeast corner thereof, on the west line of said town of Athol, as originally laid out, being a northeast corner of the town of New Salem, thence westerly, about two hundred and fifty rods, to a stake and stones near Branch brook, so called, being the southwest corner of land lately owned by Thomas Fairbank, thence northerly on the west line of said Fairbank land, and land now owned by Ephraim Fairbank, about three hundred rods to Miller's river, thence easterly, up said river, about two hundred and fifty rods, to the original line of Athol, thence south, four degrees east, about three hundred rods to the first mentioned corner. And said inhabitants are hereby confirmed and established as inhabitants of said town of Athol and county of Worcester, with all the rights and privileges thereof. [June 11, 1829.]

Tract of land
confirmed to
Athol.

An ACT in further addition to an Act incorporating the Massachusetts Mutual Fire Insurance Company.

Chap. 14.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the members of the said corporation, at their annual meeting, shall choose any number of directors, not less than nine, two thirds of whom at the least shall be residents and inhabitants of the city of Boston, and the directors shall elect one of their number to be the president of the said corporation, and shall appoint some suitable person, not a director, to be the sec-

1797 ch. 67.
(v. 2. p. 211.)
1821 ch. 33.
1823 ch. 37.

Choice of direc-
tors.

retary thereof. The members of the corporation shall provide for the election or appointment of any other officers or servants that they deem necessary. And in case the number of the directors shall be reduced below nine, by death, resignation or otherwise, meetings of the corporation may, at the discretion of the directors, be called, at such times and places, as they shall order, for the choice of persons to supply vacancies, and at all such meetings, twenty members of the corporation shall be a quorum for the transaction of business.

Vacancies.

Investment of funds.

SECT. 2. *Be it further enacted*, That such a proportion of the funds of the corporation as the directors may order, not exceeding one third of their personal property, may be invested by the directors in notes of hand secured by mortgage of real estate.

Repeal.

SECT. 3. *Be it further enacted*, That so much of the act passed March, in the year of our Lord one thousand seven hundred and ninety-eight, to which this is in addition, or of any subsequent act, as provides for the choice of president, directors and treasurer, and whatever else in said act is inconsistent with this act, be and the same hereby is repealed. [June 11, 1829.]

Chap. 15.

AN ACT to incorporate the Provincetown Fire and Marine Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Simeon Conant, Jonathan Nickerson, Silas Atkins, Josiah Snow, Ephraim Cook, Jonathan Cook, Jr., Elisha Young, Charles A. Brown, Thomas Nickerson, John Adams, and Godfrey Ryder, with their associates, successors and assigns, be, and they are hereby incorporated, by the name of the Provincetown Fire and Marine Insurance Company, with all the powers and privileges, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of Insurance Companies;" passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled, "an act authorizing the several insurance companies of this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate real or personal, for the use of said company: *provided*, they shall not hold real estate exceeding the value of twelve thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Powers and duties.

1817 ch. 120.

1819 ch. 141.

Real estate.

Capital stock

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising

from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within ninety days after the first meeting of said company, and the residue shall, within twelve months from the passing of this act, be secured by a deposit of stock of some bank within this Commonwealth, or shall be paid in money, in such sum or sums, and at such time or times, (the last payment not to exceed twelve months from the passing of this act,) and under such penalties, as the said president and directors shall, in their discretion, direct and appoint.

Shares, and
the payment
thereof.

SECT. 3. *Be it further enacted,* That the stock, property, affairs and concerns of said company shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the first Monday of January, annually, at such time and place in Provincetown as the directors for the time being shall direct, of which election public notice shall be given, in any newspaper printed in the county of Barnstable, or any newspaper printed in the city of Boston, ten days at least previous to the meeting; and the election shall be made by ballots, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *provided,* that no stockholder shall have more than ten votes, and absent stockholders may vote by proxy, under such regulations as the said company may prescribe, and if, by any accident or mistake, the directors should not be chosen on the said first Monday of January as aforesaid, it shall be lawful to choose them on any other day in manner herein provided.

Number of di-
rectors.

Right of voting.

SECT. 4. *Be it further enacted,* That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful performance of the duties of his office, and shall preside for one year; and in case of the death, resignation, or inability to serve, of the president or any directors, such vacancy or vacancies may be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the same manner as is herein before provided respecting annual elections of directors.

Choice of presi-
dent.

SECT. 5. *Be it further enacted,* That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the conduct and duties of the several officers, clerks and servants

Board of direc-
tors.

By-laws.

employed, and the election of the directors, and all such matters as appertain to the business of insurance : and they shall also have power to appoint a secretary, and so many clerks, for carrying on the said business, and with such salaries and allowances to them and to their president, as to said board shall seem meet : *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

First meeting.

SECT. 6. *Be it further enacted*, That any five of the persons named in this act are hereby authorized to call a meeting of said company, by advertising the same in any newspaper printed in the county of Barnstable, or the New England Palladium, printed in the city of Boston, fourteen days at least before the day on which the choice is to be made, for the purpose of electing their first board of directors, who shall remain in office until the first Monday of January next, and until others shall be elected in their stead : *provided, however*, that this charter shall be void and of no effect, unless put in operation, agreeably to the terms of it, within one year from and after the passing of this act : *and provided, also*, that said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital of said company shall have actually been paid in, or secured in manner before provided.

Conditions of this act.

Location.

SECT. 7. *Be it further enacted*, That the said insurance company shall be located and kept in the town of Provincetown.

Liability to be taxed.

SECT. 8. *Be it further enacted*, That said insurance company shall be liable to be taxed by a general law providing for the taxation of all similar corporations.

Capital stock not to be transferred for one year.

SECT. 9. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during one year after this charter shall be put in operation as aforesaid. [June 12, 1829.]

Chap. 17.

An Act to change the names of the several persons therein mentioned.

Names changed.

Essex.

Middlesex.

Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Crosby Horne, of Gloucester, may take the name of Benjamin Crosby Orne ; that Platts Phillips, of Danvers, may take the name of Alonzo Platts Phillips ; that Judith Dodge, of Danvers, may take the name of Julia Therese Dodge, —all of the county of Essex ; that Clarissa Maria Butterfield, a minor, of Lowell, may take the name of Maria Tyler ; that Charlotte Susannah Dodge, a minor, of Newton, may take the name of Charlotte Augusta Crehore, —all of the county of Middlesex ; that Sterns Witt, of Oxford, may take the name of Sterus De Witt ; that Alexander C. Witt, of Oxford, may take the name of Alexander De Witt ; that Hollis Witt, of Leicester, may take the name of Hollis De Witt ; that Mary Walker Green, of Oakham, may take the name of Mary Walker Felton ; that Francis Merritt, of Lancaster, may take the name of Francis Merritt Moore ; that George Ferguson, a minor, of Worcester, may take

the name of George Ferguson Butman; that Joseph Morse, Jr., of Leominster, may take the name of Joseph George Morse; that Samuel Brooks, 4th, of Ashburnham, may take the name of Ira Brooks,—all of the county of Worcester; that Harriet Andrews, of Ware, may take the name of Harriet Frances Andrews; that James Waterman, of Ware, may take the name of James Henry Waterman,—all of the county of Hampshire; that Archibald C. Witt, of Franklin, in the county of Norfolk, may take the name of Archibald De Witt; that Lydia Damon, a minor, of Scituate, in the county of Plymouth, may take the name of Lydia Thomas Jones Damon.

And the several persons herein named shall hereafter be called and known by the names which, by this act, they are respectively allowed to assume as aforesaid; and the same shall be considered as their only proper and legal names. [June 12, 1829.]

An ACT in addition to an Act, entitled "An Act concerning Juvenile Offenders in the city of Boston."

Chap. 18.

1825 ch. 182.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any party aggrieved by the sentence of the police court or any justice thereof, passed pursuant to the second section of an act, entitled "an act concerning juvenile offenders in the city of Boston," may appeal from such sentence, to the next municipal court in the said city, whose judgment shall be final, as in other cases of appeals from the judgment of justices of the peace, to the courts of common pleas, in criminal cases; the party appealing, recognizing with sufficient surety or sureties, to the satisfaction of the justice of the police court, by whom the sentence is passed, to enter and prosecute such appeal, and in the mean time to keep the peace, and be of good behaviour. [June 12, 1829.]

Party aggrieved may appeal to municipal court.

An ACT to incorporate the Danvers Mutual Fire Insurance Company.

Chap. 20.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ebenezer Shillaber, William Sutton, Sylvester Osborn, Edward Southwick, John W. Proctor, Henry Cook, Joseph G. Sprague, Amory Felton, Sylvester Osborn, Jr., Abner Sanger, Benjamin Goodridge, Jonathan Shove, Andrew Nichols, Benjamin Jacobs, Caleb L. Frost, Elijah Upton, Joseph Tufts, Jr., Jonathan Dustin, Nathan Poor, Rufus Wyman, Stephen Upton, Oliver Saunders, Isaac Elliot, Caleb Smith, Robert S. Daniels, David Daniels, Lewis Allen, Kendall Osborn, Eben S. Upton William W. Little, John Nutting, Joseph Shaw, Jr., Amos Osborn, Jr., John Page, Caleb Oakes, Nathaniel Putnam, Samuel Preston, John Preston, Elias Putnam, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Danvers Mutual Fire Insurance Company, with the powers and*

Persons incorporated.

Powers and privileges. privileges incident to such corporations, for the term of twenty-eight years.

When corporation may insure. SECT. 2. *Be it further enacted*, That when the sum subscribed to be insured shall amount to the sum of fifty thousand dollars, said corporation may insure, for the term of from one to seven years, upon any building, merchandize, goods or furniture, not exceeding three quarters of the value of the property insured.

Officers, by-laws, votes. SECT. 3. *Be it further enacted*, That said corporation may choose such officers, and establish such by-laws as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth; and each member, at any meeting of the corporation, shall have as many votes as he has policies, and may vote by proxy.

Investment and appropriation of funds. SECT. 4. *Be it further enacted*, That the funds of said corporation shall be vested in stocks, or loaned on such security as the directors may order, and shall be appropriated, first, to pay the expenses of the corporation, and next to pay the damages, which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation, exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary, on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed double the amount of such premiums and deposits.

Levy and satisfaction of executions. SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds, but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the directors, provided the board of directors first refuse or neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose, and any director, whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor.

Policies shall create a lien. SECT. 6. *Be it further enacted*, That each policy of insurance shall, of itself, without any other ceremony, create a lien on any buildings insured, and on the land under the same, and also on any other property which may be insured, and this provision shall not prevent the taking of other collateral security.

Resort to the lien. SECT. 7. *Be it further enacted*, That in case it shall become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured or his legal representative, and likewise of the tenant in possession; and in case of non-payment, the corporation may sustain an action for the sum due, either on the deposit note, or by assessment, and their execution may be levied on the insured premises, and the officer making the levy, may sell the whole or any part of the estate at auction, giving notice and proceeding in the same manner as is required in the sale of equities of redemption on execution; and the owner shall have a right to redeem the estate, by paying the

costs of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from said sale.

SECT. 8. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions ; and any two or more of the seven persons first named in this act, may call the first meeting of said corporation, by advertising the same in any one or more of the newspapers printed in Salem, in said county of Essex. [June 12, 1829.]

Liability to be taxed and first meeting.

AN ACT to establish a Fire Department in the town of Charlestown.

Chap. 21.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Fire Department of the town of Charlestown, shall hereafter consist of one chief engineer, and as many other engineers, firemen, hosemen, and hook and ladder men, as shall, or may, from time to time, be appointed by the selectmen of said town, which appointments shall be valid until the first town meeting subsequently holden in said town, when the same shall be laid before said meeting for their approbation.

Selectmen may appoint engineers, &c.

SECT. 2. *Be it further enacted*, That the selectmen of said town be, and they are hereby authorized and required, so to appoint all or as many of said officers as they may from time to time deem necessary and expedient, and when the same shall be confirmed as aforesaid, it shall be the duty of the said selectmen to cause certificates to be issued of such appointments.

Certificates of appointments.

SECT. 3. *Be it further enacted*, That it shall be the duty of the said selectmen to fix and ordain, from time to time, the powers and duties of those officers respectively, in relation to fire engines, and all other fire apparatus belonging to, or used in said town, and also in relation to the care and management thereof, and to fix and ordain rules and regulations for the conduct of the said officers, and of the citizens present at fires, and to annex penalties for the breach of any rules or regulations they may so fix and ordain, not exceeding twenty dollars.

Duties of firemen, &c.

SECT. 4. *Be it further enacted*, That the chief and other engineers, so appointed, shall have the same power and authority relative to the pulling down or demolishing any house or other building, to prevent the spreading of fires, and also relative to all other matters and things affecting the extinguishment or prevention of fires, or the commanding assistance at them, as fire wardens now by law have ; and the said town of Charlestown shall be liable to pay all such reasonable compensation for damage done by, or consequent upon the acts or directions of said chief and other engineers, as other towns of this Commonwealth are liable to pay in like cases for like acts and directions, done or given by their fire wardens, and all fines and forfeitures arising within the said town of Charlestown, under the laws of this Commonwealth relative to the extinguishment of or proceeding at fires, shall be distributed in such way and manner, and applied to such uses, as the said selectmen shall from time to

Powers of engineers.

time ordain and determine, any thing in said laws to the contrary notwithstanding.

[Probably 1813
ch. 139.]

Firemen exempt
from military
duty.

SECT. 5. *Be it further enacted*, That the said chief and other engineers shall have the same powers and authorities as have been heretofore vested in the firewards of said town by the act, entitled “an act regulating the storage, safe keeping and transportation of gunpowder in the town of Charlestown.”

SECT. 6. *Be it further enacted*, That every member of said fire department shall be held to produce, within thirty days after he shall have become a member of said department, and annually in the month of May thereafter, to the commanding officer of the militia company within whose bounds he may reside, a certificate from the selectmen, stating that he is a member of said department, which certificate shall exempt him from military duty so long as he shall remain a member of said fire department; and every member of said department, who shall produce a certificate signed by the chairman of the board of selectmen of said Charlestown, stating that he has served as a member of said department for seven successive years, after the age at which the laws of the United States, or of this Commonwealth, may hold the citizens thereof liable to enrolment in the militia, shall be exempted from all military duty, excepting that of keeping himself constantly furnished with the arms and equipments required by the laws of the United States, and of this Commonwealth, and the duty of carrying or sending them annually to the place of inspection or view of arms of the company, within whose bounds he may reside and in which he is enrolled.

Repeal.

SECT. 7. *Be it further enacted*, That from and after the organization of a fire department under this act, and notice thereof given in one or more newspapers published in the town of Charlestown or city of Boston, by the selectmen of said Charlestown, all laws of this Commonwealth relating to the election and appointment of firewards, so far as they affect the election or appointment of firewards within said town of Charlestown, be, and the same are hereby repealed.

When this act
shall take ef-
fect.

SECT. 8. *Be it further enacted*, That the provisions of this act shall not take effect until the same shall have been accepted by the citizens of said Charlestown, assembled in town-meeting legally warned for that purpose. [June 12, 1829.]

Chap. 22.

AN ACT to incorporate the Massachusetts Horticultural Society.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Zebedee Cook, Jr., Robert L. Emmons, William Worthington, B. V. French, John B. Russell, J. R. Newhall, Cheever Newhall, and Thomas G. Fessenden, their associates and successors, be and they hereby are incorporated, under the name, and by the description of the Massachusetts Horticultural Society, for the purpose of encouraging and improving the science and practice of horticulture, and promoting the amelioration of the various species of trees, fruits, plants and vegetables, and the introduction of new species and varieties;

with power to make by-laws not inconsistent with the laws of the Commonwealth, for the regulation of said society and the management of the same and of its concerns ; to receive donations, bequests and devises, for promoting the objects of said society ; to lay and collect assessments on the members not exceeding two dollars per annum ; to enforce the payment of such assessments by action for the same ; to purchase and hold real estate to the amount of ten thousand dollars, and personal estate to the amount of twenty thousand dollars ; to elect a treasurer, secretary and other officers, the appointment of which shall be provided for in the by-laws of said society ; the meeting for the election of such officers to be called at the times and in the manner provided in such by-laws ; to empower the president, directors, comptrollers, treasurer, committees, or other officers or members, or any attorneys, agents or representatives of said society, to transact the business, manage and apply the funds, discharge the functions, and promote the objects thereof ; to authorize any of the members or officers of said society to fill vacancies in the various offices of the same, that may happen in the intervals between the meetings of the members for choosing officers ; and to commence and defend suits.

Powers and
privileges.

Assessments.

Real and per-
sonal estate.

SECT. 2. *Be it further enacted*, That in case the said corporation shall, at any time, contract debts beyond their means and ability to pay at the time of contracting the same, the officers or other agents of said corporation, so contracting such debts, shall be personally liable for the same.

Liability of offi-
cers for debts.

SECT. 3. *Be it further enacted*, That any member of said corporation may cease to be a member thereof, by giving notice to that effect to the president, treasurer, secretary, or other officers, and paying the amount due from him to the society.

Members may
leave by giving
notice.

SECT. 4. *Be it further enacted*, That the first meeting of the members of said corporation may be called by any two or more of the persons named in the first section, by giving one week's notice or more, by advertisement in any newspaper printed in Boston.

First meeting.

SECT. 5. *Be it further enacted*, That this act may be altered or repealed at the discretion of the Legislature. [June 12, 1829.] Add. acts, 1831 ch. 69 : 1834 ch. 98.

Legislative con-
trol.

An Act authorizing the Selectmen of Cambridge to appoint Hook and Ladder Men.

Chap. 23.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the town of Cambridge, in the county of Middlesex, be, and they are hereby authorized and empowered to appoint a company or companies, consisting of not more in the whole than thirty men, whose duty it shall be, under the direction of the firewards of said town, to attend fires therein with fire hooks and ladders, and to be subject to such farther duties, and organized and provided in such manner, as the said selectmen shall from time to time direct. And all persons appointed to said company or companies, pursuant to the foregoing provisions, shall continue in office during the pleasure of

Selectmen may
appoint hook
and ladder men.

said selectmen, and be entitled to all the privileges and exemptions to which engine men now are or may hereafter be by law entitled. [June 12, 1829.]

Chap. 24. An ACT to incorporate the Proprietors of the Congregational Meeting-House in the Second or South Parish in Dedham.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Morse, Lewis Morse, Dean Chickering, John K. Briggs and Willard Everett, their associates and successors, be, and they hereby are made a body politic and corporate, by the name of the Proprietors of the Congregational Meeting-House in the Second or South Parish in Dedham, for the purpose of managing the affairs of said meeting-house, and, by that name, may sue and be sued, have a common seal, and the same alter at pleasure, and may ordain such rules and regulations as are not repugnant to the laws of this Commonwealth, and choose such officers as the good management of the affairs of said body corporate may at all times require.

Right of voting. **SECT. 2.** *Be it further enacted,* That the said proprietors shall be entitled to as many votes as they have shares, in managing the affairs of said meeting-house, provided that no one person shall be entitled to more than ten votes.

Assessments. **SECT. 3.** *Be it further enacted,* That said corporate body shall have power to raise money by assessment on the shares of the said corporators, for the purpose of keeping said meeting-house in repair.

First meeting. **SECT. 4.** *Be it further enacted,* That David Morse, the first on the list of said corporators, may call the first meeting of said body corporate, by posting notice of the time and place thereof in some conspicuous place in said meeting-house, eight days at least before the time he may so appoint.

Legislative control. **SECT. 5.** *Be it further enacted,* That this act shall be subject to revision or repeal at the will of the Legislature. [June 12, 1829.]

Chap. 25. An ACT to incorporate the First Baptist Society in Sutton.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Tourtelot, Solomon Marble, John Titus, John Waters, and Samuel Rich 2d., together with such other persons as may hereafter associate with them, and their successors, be, and they hereby are incorporated, as a religious society, by the name of the First Baptist Society in Sutton, with all the privileges, powers and immunities, to which religious societies are entitled by the constitution and laws of this Commonwealth.

By-laws. **SECT. 2.** *Be it further enacted,* That the said body politic shall have power to make and use a common seal, and the same to break and alter, at their pleasure, and to make such by-laws for the regulation and direction of their business, as shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 3. *Be it further enacted*, That said body politic may hold real estate to an amount not exceeding ten thousand dollars. Real estate.

SECT. 4. *Be it further enacted*, That any justice of the peace, for the county of Worcester be, and he hereby is authorized to issue his warrant to any member of said society, requiring him to warn the members thereof to meet at such convenient time and place, in said Sutton, as shall be therein directed, to choose a clerk, treasurer, and such other officers as they may deem needful. First meeting.

SECT. 5. *Be it further enacted*, That this act may be altered, amended or repealed, at the pleasure of the Legislature. Legislative control.
[June 12, 1829.]

AN ACT to incorporate the Worcester Rail-road Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel B. Thomas, William E. Green, Isaac Davis, their associates and successors, be, and they are hereby made a corporation, by the name of the Worcester Rail-road Company, for the purpose of locating, constructing and maintaining a railway, from the lands called the Coal Mines in Worcester, to the waters of Quinsigamond Pond in said town; and also from said lands to the banks of the Blackstone Canal in said town, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto. Chap. 26.
Persons incor-
porated.

Powers and du-
ties.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real and personal estate, not exceeding the value of fifty thousand dollars, as may be necessary for the purposes aforesaid. Real and per-
sonal estate.

SECT. 3. *Be it further enacted*, That when said corporation has located either of said roads, it shall make report thereof to any meeting of the county commissioners, then to be holden in the county of Worcester, or to any adjourned term thereof, wherein shall be particularly described the location which shall have been made, its width, and the materials intended to be used, and the names of the owners of the lands and materials, as far as the same can be ascertained; which said report, so made, shall be placed on the files of said commissioners, and notice be given thereof to the owners of the lands and materials embraced therein, if known, in such manner as the said commissioners shall direct, at the expense of said corporation; and the said commissioners shall thereupon appoint three discreet and disinterested freeholders of said county, as a committee to estimate all damages which any person or corporation, whose lands or materials are described and mentioned in such report, shall sustain, provided such rail-road be constructed thereon or materials taken therefrom; and Corporation to
report location
of road to coun-
ty commission-
ers.

Commissioners
to appoint com-
mittee to esti-
mate damages.

Estimate of
damages.

Trial by jury.

the said committee, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof, and shall give public and seasonable notice, in such manner as said commissioners shall direct, to all persons interested, to file their claims, if any they have, which have not been released to said corporation, with some one of said committee, or with the clerk of the courts for said county, within thirty days from the date of said notice. At the end of the term allowed for filing such claim for damages, the committee, or a majority of them, having previously given notice to all parties interested of the time, and of the extent of the route to be examined, by publishing in one or more of the newspapers printed in said Worcester an advertisement thereof, in three successive papers at least, shall pass over the premises so intended to be used by said corporation, for the purposes aforesaid, and, after hearing the parties in interest, shall, according to their best skill and judgment, estimate all such damages as they shall think any person or corporation shall sustain, by the construction of said rail-roads, or in the use of said materials, over and above the benefits and advantages (if any) which the committee shall think may accrue to such person or corporation, from the construction and continuance of said road. And the said committee, or the major part of them, shall make return of their doings, after the same shall have been completed, to the said county commissioners, to the end that the same may be allowed, accepted and recorded. And the said commissioners shall thereupon order the said report, or the substance thereof, to be forthwith published in one or more of the newspapers printed in Worcester, three weeks successively, at the expense of the corporation: *provided, however*, that either party, after the return of said report, and after its acceptance and publication aforesaid, may claim a trial by jury, to determine upon the amount of damages to be assessed in the case complained of, which said jury shall be summoned by the sheriff, under the direction of said commissioners, in manner prescribed by law, in case of complaints for damages occasioned by the laying out of highways, and they shall be under oath, according to the provisions of law in such cases; and the verdict of said jury shall be returned to the next term of the court of common pleas within said county; and if the party applying for a jury shall not obtain, in case it be the original applicant for damages, an increase of the amount of the appraisement, or of the estimate of damages; or in case it be the original respondent, a decrease of the amount of damages, as may be awarded by said committee, such party shall pay reasonable costs of the trial by jury, otherwise shall recover reasonable costs. And the said corporation, having entered upon the land of any individual or corporation, and commenced the process of excavation or embankment, for the purpose of constructing such rail-roads, or any part thereof, shall, within ninety days after the damages, if any, have been ascertained in manner aforesaid, pay or cause to be paid the same to the person or persons entitled to receive the same; in neglect of such payment, such person or

persons, on whose lands such works have been so commenced, may have an action of debt against said corporation in any court proper to try the same, to recover such damages. And the execution for damages assessed as aforesaid, or for costs, shall be in the common form, and may be levied upon the goods, estate or lands of the corporation, or of any member thereof. And the report of said committee, when accepted and recorded, and not appealed from in manner aforesaid, or the verdict of a jury, being returned, accepted and recorded, shall forever be a bar to any other action commenced for damages against said corporation, on account of the injury for which such damages were awarded.

SECT. 4. *Be it further enacted*, That, if said rail-roads, or either of them, shall be located, or any part of them, and a report of the committee be made thereon in manner aforesaid, [and] any alterations shall be made in the course thereof, the damages may be estimated in the same way, and the same proceedings be had in manner provided in this act. *Provided, however*, that, in all cases, it shall be competent for said corporation, and any person or corporation injured by the location of said rail-roads, to submit the question of damages to such referees as they may agree upon, whose award, when returned to the said court of common pleas, and accepted, shall be final, and said court may enter judgment accordingly.

Damages, how to be estimated.

SECT. 5. *Be it further enacted*, That if the said rail-roads, hereby authorized to be constructed, shall cross any public or private way, the said corporation shall so construct such rail-road as not to obstruct the safe and convenient use of such way.

Crossing of ways.

SECT. 6. *Be it further enacted*, That a toll of six cents, for each ton in weight per mile that shall be transported on said rail-road, be and hereby is granted and established for the sole benefit of said corporation; and the said corporation is hereby authorized to prescribe in their by-laws the form of the wheels, the construction of the wheels, and the weight of loads which shall pass on said rail-roads.

Rates of toll.

SECT. 7. *Be it further enacted*, That if any person shall wilfully, maliciously or wantonly, and contrary to law, in any way spoil, injure or destroy said rail-roads, or any part thereof, or any thing belonging thereto, or any materials or implements to be employed in the construction or in the use of said road, he, she or they, or any person or persons assisting, aiding or abetting in such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for and recovered before any justice, or in any court proper to try the same, to the use and benefit of said corporation. And such offender or offenders shall be liable to indictment, by the grand inquest for the county of Worcester, for any offence contrary to the above provisions, and, on conviction thereof before the court of common pleas, to be holden in said county, shall pay a fine, not exceeding fifty dollars, and not less than ten dollars, to the use of the Commonwealth, or may be

Penalty for malicious injury to rail-road, &c.

imprisoned not exceeding six months, at the direction of the court before whom the conviction may be had.

Conditions of
this act.

SECT. 8. *Be it further enacted*, That if the said corporation shall not have constructed, and put into use, at least one of the railways by this act authorized, within three years from the passing of this act, then, and in such case, this act shall be void. *And be it further provided*, that this act may be altered, amended or repealed at the pleasure of the Legislature. [June 12, 1829.]

Chap. 28.

1823 ch. 86.
1824 ch. 72.

Time extended
for paying in
capital stock.

An Act granting further time for the payment of the last instalment of the capital stock of the Globe Fire and Marine Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the stockholders of the Globe Fire and Marine Insurance Company, may and shall have a further time of five years from the date of this act, to pay in the last instalment, or twenty-five per centum of the capital stock of said company. [Jan. 19, 1830.] Add. act, 1834 ch. 9.

Chap. 30.

Oct. 11, 1777.
1814 ch. 69.

Title of officers.

By-laws.

An Act in addition to an Act, entitled "An Act establishing a Marine Society at Newburyport."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the "Marine Society of Newburyport" shall call their four first officers by the style and title of President, Vice-President, Treasurer and Secretary; and that they shall be empowered to make by-laws, to inflict penalties to the amount of ten dollars; and that in the admission of members, two thirds of the votes of all the members present shall be requisite to admit a candidate to membership, any thing in the act establishing that society, passed on the eleventh day of October, one thousand seven hundred and seventy-seven, or in their by-laws as at present existing, to the contrary notwithstanding. [Jan. 22, 1830.]

Chap. 32.

Boundary line.

An Act to establish the Boundary Line between the towns of Edgarton and Tisbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the dividing line between the towns of Edgarton and Tisbury shall hereafter be as follows, to wit: beginning at the harbour of Holmes' Hole, and running by the middle of the canal, through the beach, and by the channel up Lagoon Pond, to a large stone placed at the Stepping Stones, (so called); from thence north, twenty-nine degrees west, five hundred rods, to a stone set in the ground on the south side of the road leading from Holmes' Hole to Newtown, and bearing south, fifty-one rods from Tashmo Spring; thence south, about thirteen hundred and nine rods, to a stake and stones on the north of Mill path, or the road leading from Edgarton to Tisbury; thence south, five degrees west, seven hundred and forty-four rods, to a heap of stones on the middle of Wachaneck, and thence the same course to the sea. [Feb. 5, 1830.]

AN ACT to set off a part of the town of New Salem to the town of Athol.

Chap. 33.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land in the town of New Salem, and county of Franklin, containing about one hundred and eighty-five acres, together with the families and estates of all persons residing thereon, be set off and annexed to the town of Athol, and county of Worcester, beginning at a northeasterly corner of New Salem, at a stake and stones; thence south, four degrees east, two hundred and thirteen rods on the line between said towns, to a stake and stones; thence west, four degrees south, about one hundred and forty rods, to a heap of stones; thence north, four and a half degrees west, two hundred and twelve rods, to a stake and stones on the line between said towns; thence on said line east, four degrees north, about one hundred and forty rods, to the first mentioned corner: *provided*, that all taxes, heretofore assessed or raised, shall be paid as if this act had not passed. [Feb. 5, 1830.]

Land annexed to Athol, and change of county line.

Proviso.

AN ACT in addition to "An Act regulating the building with wood within the town of Boston."

Chap. 34.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the act to which this is in addition, and also so much of the ninth section of the act, for the protection of the city of Boston against fire, passed on the tenth day of March, in the year of our Lord one thousand eight hundred and twenty-seven, respectively, as provide that no window or windows shall be erected, or made, on the sloping part of the roof of such house or building, as is described in the said acts, be and the same are hereby repealed. [Feb. 5, 1830.] Add. act, 1835 ch. 139.

1817 ch. 171.
1821 ch. 26. 31.
1822 ch. 16.
1826 ch. 144.

AN ACT in addition to an Act, entitled "An Act to set off a part of the town of Stockbridge, and annex the same to the town of West Stockbridge."

Chap. 35.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line described in said act to which this is in addition, shall begin at a point in the south line of the town of Richmond, instead of the north line of Richmond, as expressed in said act. [Feb. 6, 1830.]

1823 ch. 108.

AN ACT establishing a Fire Department in the town of Lowell.

Chap. 36.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fire department of the town of Lowell shall hereafter consist of a chief engineer, and as many engineers and fire wardens, not exceeding twelve in number, as the selectmen of said town shall annually, on the first Wednesday of April, appoint, who shall hold their office for the term of one year from the first day of May next, succeeding their appointment; also of as many engine men, hose men, hook and ladder men, as said selectmen shall annually, on said first Wednesday in April, or as

Number of officers and men of fire department.

soon after as may be, appoint : *provided*, that the number of firemen so appointed shall not exceed fifty men to each and every hydraulion, thirty-five men to each and every common engine, and five men to each and every hose carriage, and that the number of hook and ladder men shall not exceed fifty, and that the number of hose men shall not exceed fifty.

Powers of selectmen.

SECT. 2. *Be it further enacted*, That the selectmen of said Lowell shall have power to fill any vacancy which may occur at any time in said fire department, give certificates of all their appointments, and fix and ordain, from time to time, the powers and duties of the chief engineer and engineers and fire wardens respectively, in relation to fire engines and all other fire apparatus belonging to or used in said town, and also to fix and ordain, from time to time, such rules and regulations as may be deemed expedient for the conduct of said fire department, and of the citizens present at fires, and to annex penalties for the breach of any rules or regulations they may so fix and ordain, not exceeding twenty dollars.

Powers of engineers and fire wardens.

SECT. 3. *Be it further enacted*, That the chief engineer and engineers and fire wardens, so appointed, shall have the same powers and authorities, relative to the pulling down and demolishing any house or other building to prevent the spreading of fires, and also relative to all other matters and things affecting the extinguishment and prevention of fires, as fire wardens now by law have. And the said town of Lowell shall be liable to pay all such reasonable compensation for damage done by, or consequent upon the directions or acts of said chief engineer, engineers and fire wardens, as other towns in this Commonwealth are liable to pay in like cases, for like acts and directions done or given by their fire wardens : and all fines and forfeitures arising within the said town of Lowell, under the laws of this Commonwealth, relative to the extinguishment of, or proceedings at fires, shall be distributed in such way and manner, and applied to such uses, as said town of Lowell shall ordain and determine, any thing in said laws to the contrary notwithstanding.

Liabilities of the town of Lowell.

Fines and forfeitures, how distributed.

Members of fire department exempted from military duty.

SECT. 4. *Be it further enacted*, That each and every member of said fire department shall be exempted from military duty and service in the militia of this Commonwealth, so long as he shall continue a member of said fire department : and every person so exempted shall be holden to produce, within thirty days after he shall have been appointed a member of said department, and annually in the month of April then after, to the commanding officer of the militia company within whose bounds he may reside, a certificate from one of the selectmen of said town of Lowell, setting forth that he is a member of said fire department.

Repeal of laws relating to the election of fire wardens.

SECT. 5. *Be it further enacted*, That from and after the organization of a fire department in said town of Lowell, agreeably to the provisions of this act, and notice of the same being given in the Lowell Journal, published in said Lowell, by the selectmen thereof, all the laws of this Commonwealth relating to

the election and appointment of fire wardens, so far as they affect such election and appointment in said town, shall be and hereby are repealed.

SECT. 6. *Be it further enacted*, That the provisions of this act shall take effect so soon as the same shall have been accepted by a majority of the citizens of said Lowell qualified to vote in town affairs, at a meeting legally notified for such purpose, and shall continue in force until modified or repealed by the Legislature of this Commonwealth. [Feb. 6, 1830.] Add. act, 1834 ch. 59.

When this act shall take effect.

An Act concerning the two Congregational Parishes in Deerfield.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the first Congregational Parish in Deerfield, be, and hereby is, authorized to assign and transfer to the second Congregational parish in said town, so much of the ministerial fund therein, as amounted, on the first day of June last, to the sum of one thousand eight hundred and seventy-five dollars: *provided*, that, at the time of such assignment and transfer, the said second parish shall join with the settled minister of said parish, in relinquishing to said first parish, all claims and demands to the property, whether real or personal, heretofore sequestered and appropriated to the use of the ministry in said town, and to the ministerial fund aforesaid; and, from and after the time when such assignment, transfer, and relinquishment shall be made, the fifth section of an act entitled “an act to incorporate the Second Parish in the town of Deerfield,” passed on the twelfth day of June, in the year of our Lord one thousand eight hundred and eighteen, shall be, and hereby is repealed.

SECT. 2. *Be it further enacted*, That the treasurer of the said town of Deerfield be, and hereby is authorized and empowered, to make such assignment and transfer of any promissory notes, made payable to the inhabitants of the said town, and of any mortgages of real estate, given as collateral security for the payment of such notes belonging to said fund, by writing, under his hand and seal, to the amount of the sum in the first section of this act mentioned, or such assignment and transfer may be made by one or more of the Committee having the care and management of said fund, either of which modes shall have the effect and operation of vesting fully and completely in said second parish, all right and title to, and interest in, such notes and mortgages, and with the same effect, as though said notes and mortgages had been originally made and given to said second parish; and the amount so assigned to said second parish, shall be, and hereby is, appropriated to the use of the ministry in said parish.

SECT. 3. *Be it further enacted*, That the settled minister of said second parish be, and hereby is authorized and empowered, with the assent of said parish, to be expressed by a committee thereof, appointed, or to be appointed therefor, to make and execute, in behalf of said second parish, a deed of relin-

Chap. 38.

1802 ch. 68.
(v. 3. p. 53.)
1806 ch. 38.
1818 ch. 22.
First Congrega-
tional Society
authorized to
make transfer
of funds.

1818 ch. 22.

Transfer of
notes authori-
zed.

Second parish
authorized to
execute deeds
of relinquish-
ment.

quishment to said first parish, of all right, title and interest, in and to all estate, whether real or personal, heretofore sequestered and appropriated to the use of the ministry in said town of Deerfield, and to the fund aforesaid.

First parish
may appropri-
ate interest of
funds.

SECT. 4. *Be it further enacted*, That the said first parish may appropriate and use hereafter, the interest annually arising on or from said fund, toward the annual parochial charges and expenses of said parish.

Repeal.

1802 ch. 68.
(v. 3. p. 83.)
1806 ch. 38.

SECT. 5. *Be it further enacted*, That an act passed the fourteenth day of February, one thousand eight hundred and three, establishing said fund, and an act in addition thereto, passed the eleventh of February, in the year of our Lord one thousand eight hundred and seven, be, and the same hereby are repealed. [*Feb. 9, 1830.*]

Chap. 39.

1823 ch. 39.

Trustees au-
thorized to ap-
ply funds with
consent of do-
nors.

An Act in addition to an Act, entitled "An Act to incorporate the Trustees of the Sheldon English and Classical School of Southampton."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Trustees of the Sheldon English and Classical School at Southampton, be, and they hereby are authorized to apply a sum not exceeding one thousand dollars, of the funds of the said institution, to discharge the debts of the same, incurred in the erection of suitable buildings, and purchase of apparatus for the said institution: *provided*, the assent, in writing, of the donors of the said funds be first obtained, and filed with the clerk of said corporation. [*Feb. 10, 1830.*]

Chap. 40.

1787 ch. 58.
(v. 1. p. 191.)
1792 ch. 88.
(v. 1. p. 451.)
1796 ch. 66.
(v. 2. p. 128.)
1804 ch. 90.
(v. 3. p. 524.)
1805 ch. 29.
1810 ch. 117.
1812 ch. 127.
1814 ch. 22.
1824 ch. 101.
1825 ch. 78.

Fishways, how
to be con-
structed.

An Act in addition to the Acts to prevent the destruction, provide a passage, and regulate the taking of Alewives, and other Fish, in Ipswich River.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, instead of the passage ways now required by law for the fish to pass Warner's Dam and Farley's Dam, in Ipswich, the owners of the said dams, their successors and assigns, shall make, and keep in good repair, a fishway, at the northerly end of each of said dams, of the following dimensions and description: the said fishways shall be constructed of solid stone work, and shall form an inclined plane, running down stream twenty feet, and shall be five feet wide at the bottom of the same; at the top of said ways there shall be an opening in the said dams of six feet in width, and not less than eight inches in depth below the top of the cap piece of each of said dams, and the top of the said ways shall be on a level with the bottom of the said opening in said dams, and there shall be a curb of not less than eighteen inches in height on each side of the said ways, at the termination of which a channel shall be made of at least one foot in depth, and five feet in width, communicating with the channel in the river, and the said ways shall be kept open and in good repair at all times from the tenth day of April to the first day of June in each year.

SECT. 2. *Be it further enacted*, That each and every person who shall, from and after the tenth day of April to the first day of June, annually, take any of the fish called shad or alewives, in said river, or any of the streams running into the same, except on Monday and Wednesday in each week during said term, shall forfeit and pay, for every such offence, the sum of five dollars, to be recovered by action of debt, in any court proper to try the same, to the sole use of him who may sue for said forfeiture.

Penalty for taking fish illegally.

SECT. 3. *Be it further enacted*, That so long as the owners of the said dams, their successors and assigns, shall keep open the said courses or passage ways, and in good repair, in manner as aforesaid, they shall not be subject to the penalties or restrictions provided in the first section of an act passed March twenty-eighth, one thousand seven hundred and eighty-eight, entitled "an act to prevent the destruction of alewives and other fish, in Ipswich River, and to encourage the increase of the same." This act to be in force from and after the first day of July next. [Feb. 10, 1830.]

Owners of dams not liable to penalties so long as they keep open passage ways.

1787 ch. 58.
(v. 1. p. 191.)

An Act for the preservation and regulating the taking of Shad in Mattapoisett River in the town of Rochester.

Chap. 41.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the penalties, remedies, provisions and laws, enacted, and now in force for the preservation of the fish called alewives, in Mattapoisett River, in Rochester, in the county of Plymouth, and for the regulating the taking said fish in the said river, be, and the same hereby are extended to shad in said river, and the pond from which said river issues. [Feb. 10, 1830.]

1787 ch. 33.
(v. 1. p. 180.)
1789 ch. 5.
(v. 1. p. 247.)
1790 ch. 22.
(v. 1. p. 290.)
1802 ch. 71.
(v. 3. p. 91.)
1811 ch. 60.
1814 ch. 99.
1817 ch. 136.

An Act in addition to an Act entitled "An Act for incorporating a certain part of the town of Lee into a School District by the name of the Hopland School District."

Chap. 43.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said district is hereby authorized and empowered, at any district meeting, legally called for that purpose, to divide said district into as many school districts, as from time to time may be deemed necessary, and to determine and define the limits of said school districts.

1790 ch. 26.
(v. 1. p. 294.)
1796 ch. 90.
(v. 2. p. 154.)
1798 ch. 7.
(v. 2. p. 238.)
1810 ch. 43.

District may be divided.

SECT. 2. *Be it further enacted*, That the provisions of an act entitled "an act to provide for the instruction of youth," passed on the tenth day of March, in the year of our Lord one thousand eight hundred and twenty-seven, be, and the same are hereby extended, and made applicable to the said Hopland School District, and to the several districts into which the same may be hereafter divided, any thing in the acts to which this [is] in addition, to the contrary notwithstanding: *provided, however*, that the committee chosen for the purpose of improving and leasing the school lands of the said Hopland School District, shall be authorized to do and perform the several acts and duties, which the selectmen of towns are authorized by the aforesaid act to do and perform. [Feb. 12, 1830.]

1826 ch. 143.

Act extended.

Proviso.

Chap. 44. An Act to incorporate the Charitable Association of the Boston Fire Department.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edward G. Prescott, George Dearborn, and Jonathan A. Davis, with their associates and successors, be, and they hereby are incorporated, by the name of the Charitable Association of the Boston Fire Department, for the purpose of affording relief to such of their members as may at any time receive injury in the discharge of their duties, as members of the Boston Fire Department, or to their families, in the event of their decease, and by that name may sue and be sued, and may have and use a common seal.

SECT. 2. *Be it further enacted,* That the said corporation may receive and take by purchase, grant, devise, bequest or donation, any real or personal property, and hold the same for the purposes aforesaid, and may manage and dispose of the same according to their discretion: *provided,* that the whole amount of the real and personal property held and possessed by the said corporation shall never exceed in value, at any one time, the sum of one hundred thousand dollars.

SECT. 3. *Be it further enacted,* That the said corporation may make and establish such by-laws and regulations, for the government of said corporation, as they may think proper: *provided,* the same are not repugnant to the laws and constitution of this Commonwealth; and may choose and elect all necessary and convenient officers, who shall have such powers and authority as the said corporation may think proper to prescribe and grant to them, and who shall be elected in such manner, and for such periods of time, as the by-laws of said corporation may direct.

SECT. 4. *Be it further enacted,* That Edward G. Prescott, above named, be hereby authorized to call the first meeting of said corporation, by causing a notification thereof to be published, two weeks successively, in any two of the newspapers printed in the city of Boston.

SECT. 5. *Be it further enacted,* That this act may be altered, amended or repealed, at the pleasure of the Legislature. [*Feb. 13, 1830.*]

Chap. 45. An Act to authorize the Nantucket Union Marine Insurance Company to reduce its capital stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Nantucket Union Marine Insurance Company be, and they hereby are authorized to reduce the capital stock of said corporation to fifty thousand dollars, and to divide the excess among the stockholders, in proportion to their respective shares, in such way and manner as a major part of the stockholders, at a meeting to be called for that purpose, shall decide: *provided, however,* that this act shall not have force or effect, until the said corporation shall, either by reassurance in some incorporated company, or by compromise with the assured, have pro-

Persons incor-
porated.

Real and per-
sonal estate.

By-laws.

First meeting.

Legislative
control.

1804 ch. 8.
(v. 3. p. 446.)
1823 ch. 123.

Reduction of
capital stock
authorized.

Proviso.

tected, or relieved itself from all its risks, outstanding at the time of the passage of this act.

SECT. 2. *Be it further enacted*, That no contracts whatever, heretofore made by said corporation, shall be in any manner affected or impaired by said reduction and division. Former contracts not to be affected.

SECT. 3. *Be it further enacted*, That said corporation shall not take any sum, upon any one risk, exceeding ten per centum on the amount of its reduced capital, from and after the passing of this act. [*Feb. 13, 1830.*] Limitation of risks.

An ACT to establish the boundary line between the towns of Wrentham and Attleborough.

Chap. 48.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described line be, and the same is hereby established, as the dividing line between the towns of Wrentham in the county of Norfolk, and Attleborough in the county of Bristol, viz: beginning at a point in the western boundary of this Commonwealth, where the exterior lines of said towns meet, thence running an easterly course sixty-eight chains to a stone monument, or Dagon, (so called,) thence north, sixty-nine degrees east, three hundred and nineteen chains, to a stake and stones on the corner of the towns of Wrentham, Foxborough, Mansfield and Attleborough, the same being the ancient colony line (so called) of the Plymouth colony; and that all the inhabitants, with their lands and estates, being north of said line, be, and the same hereby are annexed and confirmed to the said town of Wrentham, to enjoy all the rights and privileges, and be subject to all the liabilities of the other inhabitants of said town: *provided, nevertheless*, that such inhabitants shall be holden to pay all taxes which have been legally assessed upon them by the said town of Attleborough, in the same manner as though this act had not been passed. [*Feb. 18, 1830.*] Boundary line.

Proviso.

An ACT to incorporate the Proprietors of Gates Academy.

Chap. 49.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Stevens, Eli Rice, Caleb Wetherbee, their associates, successors and assigns, be, and they hereby are created a body politic and corporate, by the name of the Proprietors of Gates Academy, in the town of Marlborough, in the county of Middlesex, for the purpose of educating youth in the liberal arts and sciences; and the said corporation shall have power, from time to time, to choose a clerk, and such other officers as they may judge necessary; may have a common seal, which they may alter at their pleasure; may make contracts, sue and be sued, in all actions, and prosecute and defend the same to final judgment and execution; and may make and establish any by-laws, rules and regulations for the government of their affairs, for the division of their property into shares, and for the sale and transfer thereof: *provided*, the same are not repugnant to the constitution and laws of this Commonwealth. Persons incorporated.

Gifts, heretofore made, confirmed to proprietors.

SECT. 2. *Be it further enacted*, That all gifts, bequests and devises, heretofore made for the purpose of erecting or establishing an academy as aforesaid, shall be confirmed to the said proprietors, or to the trustees herein after appointed, and their successors, for the uses expressed in the instrument by which any such gift, bequest, or devise, has been made ; and the said corporation may lawfully take and hold, by gift, grant, bequest, devise, or otherwise, any real or personal estate for the purpose aforesaid : *provided*, the annual income of the same shall not exceed five thousand dollars.

Proviso.

Assessments.

SECT. 3. *Be it further enacted*, That the said corporation may, from time to time, at any legal meeting called for that purpose, assess upon each share in the capital stock such sum or sums of money, as they may judge expedient for the objects of the corporation, and defraying the expenses thereof, to be paid to the treasurer at such times as they may direct ; and if any proprietor shall neglect to pay any such assessment for the space of fifteen days after such time of payment, it shall be lawful for the treasurer to sell at public vendue such part of the shares of such delinquent proprietor as may be sufficient to pay such assessments, with incidental charges, giving notice of the time and place of sale, and the sum due on each share, by posting up notice thereof, in the town of Marlborough, thirty days at least before the day of sale thereof, and by publishing the same three weeks successively, before the day of sale, in some newspaper printed in the said county of Middlesex, and such sale shall be a legal transfer of the share or shares so sold to the purchaser as aforesaid.

Board of trustees, and their duties.

SECT. 4. *Be it further enacted*, That Sylvester F. Bucklin, Seth Alden, Heman Seaver, William Draper, William Gates, Benjamin W. Hildreth, Richard Farwell, Joseph Allen, Joseph Davis and Jeroboam Parker, together with such others as may from time to time be nominated and elected in the manner herein after prescribed, (the whole number, at any time, not to be less than nine nor more than thirteen,) be and hereby are constituted a board of trustees, whose duty it shall be to manage all the property of the said proprietors, and to apply all monies which shall be raised by assessment or otherwise, to the objects for which the same shall have been raised ; to commence, prosecute or defend, to final judgment and execution, any action, when the same shall be deemed necessary to protect or enforce the rights of the said proprietors or trustees ; to choose a treasurer, who shall give bond to the said proprietors, with three such sureties, and in such penal sum, as shall be approved by a majority of the trustees, with conditions for the right use, application and management of all monies or other property committed to his trust, and to render an account of the state of the treasury, and of his receipts and disbursements, to the said proprietors, at their annual meeting ; to act as visitors and governors of said academy ; to elect and contract with teachers, and prescribe their duties ; and to make and ordain by-laws for the regulation

of their meetings and business, and reasonable rules and orders for the government and discipline of said academy : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth. And the said trustees may, when necessary for the purposes aforesaid, make use of the corporate name and seal of the said proprietors ; and all vacancies which now exist, or may hereafter happen, in the board of trustees, shall be filled by the said proprietors from the candidates who shall be nominated by the board of trustees for the time being.

Election of trustees.

SECT. 5. *Be it further enacted*, That each member of said corporation shall be entitled to as many votes as he shall hold shares, and may vote by proxy, and may transfer his share or shares with the consent of the said proprietors, at any meeting thereof.

Votes and transfer of shares.

SECT. 6. *Be it further enacted*, That any one of the persons named in this act may call the first meeting of the said corporation, by giving personal notice of the time and place of meeting to each proprietor, ten days before the day of such meeting.

First meeting.

SECT. 7. *Be it further enacted*, That this act may be altered or repealed by the Legislature, at any time hereafter. [Feb. 18, 1830.]

Legislative control.

An Act in addition to " An Act to incorporate the Hampshire and Hampden Canal Company."

Chap. 50.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any share or shares of any member or members of the corporation of the Hampshire and Hampden Canal Company, may hereafter be transferred on the books of said company, by writing, without deed, in a book to be kept by the treasurer for that purpose, and in such form as may be prescribed by the said corporation, any thing in the act to which this is in addition to the contrary notwithstanding. [Feb. 18, 1830.] Add. acts, 1832 ch. 47 : 1836 ch. 199.

1822 ch. 59.
1825 ch. 11.
1827 ch. 128.

An Act in addition to an Act, entitled " An Act to establish the Pontoosac Turnpike Corporation."

Chap. 51.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the county commissioners for the county of Hampden be, and they hereby are authorized to examine, accept and establish the turnpike road constructed by the Pontoosac Turnpike Corporation, and passing through parts of the counties of Berkshire, Hampshire and Hampden, and that said commissioners are further authorized to fix the location of the toll gates on the same.

1825 ch. 62.
1828 ch. 35.

County commissioners of Hampden authorized to accept road.

SECT. 2. *Be it further enacted*, That said commissioners are hereby authorized to accept and establish said road, although the travelled path thereof, in some places, (not exceeding, however, twenty rods in length in any one place,) may not be more than sixteen feet in width : *provided*, such width shall by them be deemed sufficient for the public convenience and necessity. [Feb. 19, 1830.]

Width of road.

Chap. 55. An ACT to regulate the passage way for Fish at the dam across Taunton Great River in the county of Bristol, at a place called King's Bridge.

1815 ch. 119.
1819 ch. 133.
1822 ch. 38.

Passage way
for fish to be
constructed as
directed by
selectmen.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the Mills and Dam at King's bridge, on Taunton Great river, in the county of Bristol, shall construct and keep open, at their said dam, a convenient way for the passage of such fish as usually pass up the same river, in their proper season, which passage way shall be of such dimensions, and constructed and regulated in such manner, as shall be prescribed and directed by the selectmen of the town of Bridgewater, in the county of Plymouth, or the major part of them; who are hereby appointed a committee for this purpose, in pursuance of the agreement of the said proprietors and the town of Middleborough, in the county of Plymouth, the said town of Middleborough being the only town interested in the fishery in said river above said dam; and the said selectmen of Bridgewater, or the major part of them, shall, from time to time, on the application of said town of Middleborough, or of said proprietors, and at the expense of said town of Middleborough, or of said proprietors, as the said selectmen of Bridgewater shall adjudge, repair to said dam, and order and direct such alterations to be made in said fish way, and in the regulation of the water, as to them shall appear to be proper, taking into consideration the interest of said proprietors, as well as the importance of providing a convenient way for the passage of the fish; and all such alterations as may be ordered and directed as aforesaid shall be made by said proprietors, within such time as said selectmen shall order.

Proprietors not
liable so long as
they keep open
such passage
way.

SECT. 2. *Be it further enacted,* That so long as the said proprietors, or owners of said mills and dam, shall keep open, during the proper season of the passing up of said fish, a passage way so constructed and regulated as aforesaid, they shall not, nor shall either of them, nor their tenants, nor the occupants of said mills and dam, be subject to the penalties of any act regulating the fishery in said river, nor to any action, prosecution or penalty, under any law requiring a passage way for the fish to be constructed and maintained at said dam. [March 3, 1830.] Add. acts, 1832 ch. 44. 120.

Chap. 58.

An ACT to establish a Fire Department in the town of Newburyport.

Fire depart-
ment, time of
appointment,
and number of
members.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fire department of the town of Newburyport shall hereafter consist of a chief engineer, and as many engineers, or fire wardens, not exceeding twelve in number, as the selectmen of said town shall, annually, on the first Wednesday of April, appoint, who shall hold their office for the term of one year, from the first day of May next succeeding their appointment; also, of as many enginemen, hosemen, hook and laddermen, and clothmen, as said selectmen shall, annually, on the first Wednesday in April, or as soon after as may be, appoint: *provided*, that the number of firemen so appointed shall not exceed fifty men to each

and every hydraulion ; thirty-five men to each and every common engine ; and five men to each and every hose carriage ; that the number of hook, ladder and clothmen shall not exceed fifty, and that the number of hosemen shall not exceed fifty.

SECT. 2. *Be it further enacted*, That the selectmen of said town shall have power to fill any vacancy which may occur at any time in said fire department, give certificates of all appointments, and fix and ordain, from time to time, the powers and duties of the chief engineer and engineers, or fire wardens, respectively, in relation to fire engines, and all other fire apparatus, belonging to or used in said town, and also to fix and ordain, from time to time, such rules and regulations as may be deemed expedient for the government of said fire department, and of the citizens present at fires, and to annex penalties for the breach of any rules or regulations they may so fix and ordain, not exceeding twenty dollars.

Powers of the
selectmen.

SECT. 3. *Be it further enacted*, That the chief engineer and engineers or fire wardens, so appointed, shall have the same authority relative to demolishing or injuring any house, or other building, to prevent the spreading of fires in said Newburyport, and in all other matters relating thereto, as fire wardens now by law have ; and said town shall be liable to pay to any person or persons, whose property may be so destroyed or injured by direction of said chief engineer and engineers, or fire wardens, as the towns in said Commonwealth are now by law liable to pay in like circumstances, for the acts and directions of fire wardens ; and all fines and forfeitures arising in said town in pursuance of the existing laws of this Commonwealth, upon the subject, shall be appropriated in such manner, and for such purposes, as the said town, at any town meeting, duly warned for that purpose, shall determine, any thing in said laws to the contrary notwithstanding.

Powers of the
engineers, and
liability of the
town.

SECT. 4. *Be it further enacted*, That the members of said fire department shall be exempted from the performance of service in the militia of this Commonwealth, in like manner, and upon like conditions, as enginemen are now exempted by law.

Exemption from
military duty.

SECT. 5. *Be it further enacted*, That the selectmen of said town of Newburyport are hereby authorized to call a meeting of the inhabitants of said town, to organize a fire department, agreeably to the provisions of this act, by warning the inhabitants in the usual way of calling town meetings in said town, and by causing notice thereof to be published, seven days at least before said meeting, in the Newburyport Herald, a public newspaper printed in said Newburyport.

Organization.

SECT. 6. *Be it further enacted*, That when the said town of Newburyport shall have fully organized a fire department, agreeably to the provisions of this act, and the same shall have been accepted by the inhabitants thereof qualified to vote in town affairs, in town meeting, for that purpose duly assembled, the same shall remain in force until modified or repealed by the Legislature of this Commonwealth ; and all the laws relating to

Repeal.

fire wardens and enginemen in said town, which are inconsistent with the provisions of this act, shall be and are hereby repealed. [March 5, 1830.]

Chap. 59.

An ACT to incorporate the Woburn Agricultural and Mechanic Association.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abijah Thompson, Charles Carter, James Jacques, William Tidd, and their associates, with such as may hereafter associate with them, be, and they hereby are incorporated, by the name of the Woburn Agricultural and Mechanic Association; with power to have and use a common seal, to make by-laws for the management of said corporation and its funds, and for the purpose of encouraging agriculture and the mechanic arts, by granting premiums, or loans of money, and for relieving the distresses of unfortunate mechanics, and their families; and to have all the privileges usually given by acts of incorporation to charitable societies; and the said corporation may hold and possess real estate not exceeding the value of five thousand dollars, and the annual income of its personal estate shall not exceed the sum of two thousand dollars.

Real and per-
sonal estate.

First Meeting.

SECT. 2. *Be it further enacted,* That Abijah Thompson and Charles Carter are hereby authorized to call the first meeting of said corporation, at such time and place as they shall appoint, by giving personal notice to each of their associates, at which meeting by-laws may be made, and the mode of calling future meetings regulated.

Legislative
control.

SECT. 3. *Be it further enacted,* That this act may be amended, revised and repealed at the pleasure of the Legislature. [March 5, 1830.]

Chap. 60.

1824 ch. 13.
1829 ch. 7.

Location alter-
ed.

An ACT in further addition to "An Act to establish the Central Turnpike Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the committee which originally located the road of said corporation may, and are hereby authorized to make some small alterations in said location, so as to conform the same to the present situation of said road as now made and travelled, and that said corporation be established and confirmed in its rights to said road, as so varied in its location: *provided,* said committee shall give the like notice, and be governed by the same principles, rules and restrictions, as in the original location of said road: *and provided, also,* that the owners of lands over which such alterations may be located, shall have the same rights and remedies for damages as are provided in said original act. [March 5, 1830.]

Chap. 61.

An ACT to establish a Fire Department in the Town of Springfield.

Fire depart-
ment, appoint-
ment and num-
bers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fire department of the town of Springfield shall hereafter consist of one chief engineer, and as many assis-

tant engineers and firewards, not exceeding fourteen, as the selectmen of said town shall annually, on the first Wednesday in April, appoint, who shall hold their offices for one year from the first day of May next succeeding; also of as many enginemen, hosemen and hook and ladder men, as the said selectmen shall annually, on the first Wednesday in April, or as soon thereafter as may be, appoint: *provided*, that the number of enginemen shall not exceed forty-two to every hydraulion or suction engine, thirty to every common engine, five to every hose carriage, and twenty-five hook and ladder men.

SECT. 2. *Be it further enacted*, That the selectmen of said town of Springfield be, and they are hereby authorized and required to fill any vacancies occurring in said fire department, to give certificates of appointment to the members thereof, and to fix and establish, from time to time, the powers and duties of the officers and members of said fire department respectively, in relation to fire engines, and all other fire apparatus belonging to, or used in said town, and the care and management thereof; and to fix and ordain rules and regulations for the conduct of said officers and members, and of the citizens present at fires, and to annex penalties for a breach thereof, not exceeding twenty dollars; which penalties may be sued for in the name of the treasurer of said town, in any court proper to try the same: *provided*, said rules and regulations shall not be binding and valid until the same shall be published in some newspaper printed in said town of Springfield.

Powers and duties of the selectmen.

Proviso.

SECT. 3. *Be it further enacted*, That the chief engineer, engineers, and firewards, so appointed, shall have the same powers and authorities relative to the pulling down or demolishing any house or other building, to prevent the spreading of fires, and relative to all other matters and things affecting the extinguishment or prevention of fires, or the commanding assistance at them, as fire wardens now by law have. And the said town of Springfield shall be liable to pay all such reasonable compensation for damage done by, or consequent upon, the acts or directions of said chief engineer, engineers, and fire wardens, as other towns in this Commonwealth are liable to pay in like cases, for like acts and directions done or given by their fire wardens. And all fines and forfeitures arising within said town of Springfield, under the laws of this Commonwealth, relative to the extinguishment and prevention of, or proceedings at fires, shall be distributed in such manner, and applied to such uses as the said town shall ordain and direct.

Powers of the engineers, and liability of the town.

SECT. 4. *Be it further enacted*, That the members of said fire department shall be exempt from all military duty and service in the militia, so long as they shall continue members thereof. And it shall be the duty of every person so exempted, to produce to the commanding officer of the company within whose bounds he resides, a certificate of his appointment, within twenty days from and after his appointment, and annually thereafter in the month of April.

Exemption from military duty.

Citizens may
form companies
of firemen.

SECT. 5. *Be it further enacted*, That any number of citizens of said town of Springfield, may, in writing, associate themselves into companies of firemen, which companies may choose clerks and other needful officers, may establish by-laws, with penalties for the breach thereof not exceeding five dollars : *provided*, the same are not repugnant to the constitution and laws of this Commonwealth ; which penalties may be sued for by the clerks of said companies respectively, in any court proper to try the same, and appropriated as said companies shall direct. And the said firemen shall at all fires be under the direction and superintendence of the chief engineer, engineers and fire wardens.

Repeal.

SECT. 6. *Be it further enacted*, That after the organization of said fire department, and notice thereof given by the selectmen, in any newspaper printed in Springfield, all laws relating to the election or appointment of firewards, so far as they affect the election or appointment of firewards within said town of Springfield, shall be, and the same are hereby repealed.

When the provisions of this
act shall take effect.

SECT. 7. *Be it further enacted*, That the provisions of this act shall take effect, and be in force, as soon as the same shall be accepted by the citizens of said town, qualified to vote in town affairs, at a legal meeting held for that purpose, and shall continue in force until modified or repealed by the Legislature. [March 5, 1830.]

Chap. 62.

1812 ch. 34.
1816 ch. 89.
1817 ch. 6.

An Act further to reduce the Capital Stock of the Boston Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the first Monday of April, in the year of our Lord one thousand eight hundred and thirty, the capital stock of the corporation, created by an act of the Legislature, passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, by the name of the President, Directors and Company of the Boston Bank, be, and the same hereby is reduced to the sum of six hundred thousand dollars, any thing in the act, chap. 89, in the year eighteen hundred and sixteen, entitled “an act to reduce the capital stock of the Boston Bank,” to the contrary notwithstanding.

Capital stock
reduced.

Shares.

SECT. 2. *Be it further enacted*, That the number of shares in said bank, shall, from and after the said first Monday in April, be twelve thousand, and that each share shall be of the estimated or nominal value of fifty dollars.

Dividends and
examination of
funds, &c.

SECT. 3. *Be it further enacted*, That no dividend of the capital stock of said bank, as now existing shall be made until proof shall have been made to the satisfaction of the governor and council, or of commissioners by them appointed, at the expense of said corporation, that there exist in said bank, funds, belonging to said corporation, sufficient to pay all notes in circulation, and all deposits and other demands existing against the same, beyond the sum then to be reduced ; and that nothing contained in this act shall be construed to affect the liability of

the corporation, or the individual stockholders, as established by the original act incorporating said bank, or any other existing law. And the said corporation shall be holden to pay into the treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said bank, until the same shall be actually reduced as aforesaid, and all arrearages of taxes paid. Tax.

SECT. 4. *Be it further enacted*, That the liability of the President, Directors and Company of the Boston Bank, to loan to the Commonwealth, shall be in proportion to the sum of the capital of said corporation when reduced as aforesaid. [*March 5, 1830.*] Add. act, 1830 ch. 58. Loans to the Commonwealth.

An ACT to repeal "An Act to incorporate the President, Directors and Company of the Sutton Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act entitled "an act to incorporate the President, Directors and Company of the Sutton Bank," passed on the eleventh day of March, in the year of our Lord one thousand eight hundred and twenty-eight, is hereby declared forfeited and void, and from and after the passing of this act, is, and shall be taken to be wholly repealed. [*March 6, 1830.*]

Chap. 64.

1827 ch. 122.
1823 ch. 66.

An ACT to incorporate the Ocean Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Stephen Glover, Daniel Hammond, William Eager, Levi Bartlett, Russell E. Glover, John I. Putnam and Nathan Pratt, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Ocean Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties, and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord, one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies of this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure; and may purchase, hold, and convey, any estate, real, or personal, for the use of said company: *provided*, the said real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held for collateral security, for money due to said company.

Chap. 65.

Persons incorporated.

Powers and duties.

1817 ch. 120.

1819 ch. 141.

Real estate.

Capital stock,
shares, &c.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, one hundred thousand dollars of which shall be paid in money within sixty days after the first meeting of the said company, and the residue within one year from the passing of this act, in such instalments, and under such penalties, as the president and directors shall, in their discretion, direct and appoint : and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation ; and if the provisions of this act shall not be complied with, within one year from the first meeting, then the same shall be void.

Number and
election of di-
rectors.

SECT. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by twelve directors, one of whom shall be president of said company, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday in March, in each and every year, at such time of the day, and in such place in Boston, as a majority of the directors for the time being shall appoint, of which election public notice shall be given in two of the newspapers printed in Boston, and continued for the space of ten days immediately preceding such election : and the election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share in the capital stock : *provided*, that no stockholder shall be allowed more than thirty votes, and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe : and if, through any unavoidable accident, the said directors shall not be chosen on the second Monday in March as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided for the election of directors.

Right of voting.

Choice of presi-
dent.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year, and until another be chosen ; and in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting [the] annual election of directors.

Board of direc-
tors.

SECT. 5. *Be it further enacted*, That the president and six of the directors, or seven of them in his absence, shall be a board competent to the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations,

laws.

as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance, and shall also have power to appoint a secretary, and as many clerks and servants, for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet: *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act are hereby authorized to call a meeting of said company, by advertising the same, for two successive weeks, in the Columbian Centinel, Boston Patriot, and Daily Advertiser, printed in Boston, for the purpose of electing their first board of directors, who shall continue in office till the second Monday in March, in the year of our Lord then next ensuing, and until others shall be chosen in their stead: *provided*, however, that this charter shall be void, and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act: *and provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one hundred thousand dollars of the capital stock of said company shall have actually been paid in.

SECT. 7. *Be it further enacted*, That said company shall never take on any one risk against fire, or other risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured by them, in any other way, on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid, agreeably to the provisions of this act.

SECT. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the city of Boston.

SECT. 9. *Be it further enacted*, That the said Ocean Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations, which are by law liable to be taxed. [March 6, 1830.]

An Act in addition to "An Act to incorporate the First Universalist Society in Cambridge."

Chap. 66.

1821 ch. 63.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That said society be, and they are hereby empowered to assess such part as they may determine, at the meeting at which the money may be raised, of any sum legally granted or voted by said society, upon the polls and estates of the members thereof, in like manner as parishes and religious societies are authorized to do, and the residue only of such sum on the pews and seats of their meeting-house, any thing in the act to which this is in addition to the contrary notwithstanding.

Power to assess polls and estates.

Legislative control.

SECT. 2. *Be it further enacted*, That this act shall be subject to revision or repeal, at the pleasure of the Legislature. [March 6, 1830.]

Chap. 67.

An ACT in addition to "An Act to incorporate the Second Religious Society in Waltham."

1820 ch. 31.

Real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said religious society shall be capable in law to purchase and hold any estate, real or personal, for the use of said society, the annual income of which shall not exceed two thousand dollars ; and the pews in their meeting-house shall be deemed and taken as personal estate ; and each proprietor of a pew shall have a certificate thereof, signed by the clerk of the society, to be recorded in a book for that purpose ; and the mode of future transfers shall be determined by the by-laws of said society.

Taxes, how assessed.

SECT. 2. *Be it further enacted*, That all sums of money necessary to be raised by said society, for the support of public worship, and other necessary expenses, over and above the sum of two hundred dollars, which the agent of the Boston Manufacturing Company, on their behalf, has agreed to pay in lieu of parish taxes, shall be assessed upon the pews in said meeting-house, according to their respective values, so long as said company shall pay said sum ; and whenever the said company shall cease to pay said sum, then said society shall have power to raise the whole of said taxes, either upon the pews as aforesaid, or upon the polls and estates of the members of said society, or part only of said taxes upon the polls and estates, and the residue upon the pews as aforesaid : *provided*, that said society may exempt from such assessment a ministerial pew, and any other pew or pews in said house which may not be occupied ; and any assessment upon the pews as aforesaid may be collected in the manner provided by "an act authorizing the proprietors of churches, meeting-houses, and other houses of public worship, to regulate and manage their property and interests therein."

Proviso.

1817 ch. 189.

Proprietors of pews entitled to vote.

SECT. 3. *Be it further enacted*, That at all meetings of said society, so long as the taxes shall be assessed upon the pews as aforesaid, and no longer, the proprietors of said pews, and no others, shall be entitled to vote, and in such manner as shall be provided by the by-laws of said society ; but no person shall be entitled to more than double the number of votes to which the proprietor of one pew shall be entitled : *provided, however*, that said society may admit the occupants of pews not exempted from taxation to vote, in such manner as they shall by their by-laws determine ; and said society shall have authority to choose all such officers, and make all such by-laws, as the good management of the affairs of the corporation may require : *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Proviso.

Repeal.

SECT. 4. *Be it further enacted*, That all the provisions of

the act to which this is in addition, excepting the two first sections thereof, be and the same are hereby repealed.

SECT. 5. *Be it further enacted*, That this act shall be subject to revision or repeal at the pleasure of the Legislature. [March 6, 1830.]

Legislative control.

AN ACT to provide for the Survey of Lumber in the city of Boston, and to repeal certain provisions of law in relation to the exportation of Lumber from the Commonwealth.

Chap. 68.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the passage of this act, it shall be lawful for the city government of the city of Boston to make and establish ordinances, rules and regulations for the inspection, survey and admeasurement of boards, plank, timber, shingles, clapboards and lumber, of every description, brought by water into said city for sale, as they may from time to time determine to be expedient, and suitable to the circumstances of the said city, and to ordain fit penalties for the breach of such ordinances, rules and regulations, to be recovered in the same manner, and before the same courts, as other fines and forfeitures are recoverable by law.

City of Boston may establish ordinances for the survey of lumber.

SECT. 2. *Be it further enacted*, That the said city government, in their discretion, may also provide for the appointment of all such surveyors, inspectors and other officers, as they may find expedient and proper for the execution of such ordinances, rules and regulations, and to fix their fees, and compensation for their official duties and services.

Appointment of officers, &c.

SECT. 3. *Be it further enacted*, That so much of any acts of this Commonwealth, as is inconsistent with the powers herein given to the city government of the city of Boston, be, and the same is hereby repealed: *provided, however*, that this section shall not take effect until the said city government have made and established ordinances, and provided for the appointment of officers for the survey of lumber, agreeably to the first and second sections of this act, and until said ordinances have been published, as other ordinances of said city are published.

Repeal.

Proviso.

SECT. 4. *Be it further enacted*, That the second, fifth, sixth and seventh sections of an act, passed July eleventh, in the year of our Lord one thousand seven hundred and eighty-three, entitled "an act for the admeasurement of boards, and regulating the sale of shingles, clapboards, hoops and staves," and also an act in addition thereto, passed March sixteenth, in the year of our Lord one thousand seven hundred and eighty-four, be, and the same are hereby repealed.

Repeal, 1733 ch. 15.

1733 ch. 54.

SECT. 5. *Be it further enacted*, That this act may be altered, amended or repealed, at the pleasure of the Legislature. [March 6, 1830.] Repealed, 1836 ch. 7.

Legislative control.

AN ACT to incorporate the Boston Flint Glass Company.

Chap. 69.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward A. Pearson, and Levi Farwell, together with such other persons as may become associates with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Boston Flint Glass Company, for the purpose of manufacturing flint glass ware in the city of Boston; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

Powers and duties.

1829 ch. 53.

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding the value of twenty-five thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be convenient and necessary for carrying on the business of manufacturing flint glass ware.

Real and personal estate.

SECT. 3. *Be it further enacted*, That either of the persons named in this act be, and he is hereby authorized to appoint the time and place of holding the first meeting of said corporation,

First meeting.

and to notify each of the members thereof, either by personal notice or otherwise, seven days at least before the time of holding such first meeting.

Legislative control.

SECT. 4. *Be it further enacted*, That this act may be altered or repealed at the pleasure of the Legislature of this Commonwealth. [March 6, 1830.]

Chap. 70. An Act authorizing Jeremiah Banning to construct a Wharf in the harbour of Edgartown in Dukes County.

Powers granted.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jeremiah Banning be, and he is hereby authorized and allowed to build a wharf in the harbour of Edgartown, in Dukes county, below low water mark, adjoining his land, into the channel of said harbour, until said wharf shall be extended to where there may be a depth of water equal to that at the other wharves now erected in said harbour, and that he be allowed the exclusive use of the water, one hundred and ten feet wide, into the channel, for the use, occupation and accommodation of said wharf: *provided*, that this grant shall in no wise interfere with the legal rights of any other person or persons whatever. [March 6, 1830.]

Proviso.

Chap. 71. An Act authorizing Charles Butler to construct a Wharf in the Harbour of Edgartown, in Dukes County.

Wharf authorized.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Charles Butler be, and he is hereby authorized and allowed to build a wharf in the harbour of Edgartown, in Dukes county, below low water mark, adjoining his land, into the channel of said harbour, until said wharf shall be extended to where there may be a depth of water equal to that at the other wharves now erected in said harbour, and that he be allowed the exclusive use of the water one hundred and ten feet wide into the channel, for the use, occupation and accommodation of said wharf: *provided*, that this grant shall in no wise interfere with the legal rights of any other person or persons whatever. [March 6, 1830.]

Proviso.

Chap. 72. An Act incorporating the Hampshire Mutual Fire Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Oliver Warner, Charles A. Dewey, Chauncy Clark, Joshua Simmons, Charles Hooker, Dyer Bancroft, Justus Forward, Elijah Boltwood, Bela P. Clapp, Elisha Edwards, Jun., John Ludden, Ziba Cook, Samuel Kirkland, Daniel Dickinson, Jonathan Olds and John Warner, their associates, successors and assigns, are hereby constituted a body corporate, by the name of the Hampshire Mutual Fire Insurance Company, with the powers and privileges incident to said corporations, for the term of twenty-eight years.

When, and for what time, corporation may insure.

SECT. 2. *Be it further enacted*, That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said corporation may insure, for the term of from one to

seven years, any dwelling-house, store or other buildings, or household furniture, against damage arising to the same by fire, to an amount not exceeding three-fourths of the value of the property insured.

SECT. 3. *Be it further enacted*, That said corporation may choose such officers, and establish such by-laws, as may be deemed necessary, not repugnant to the constitution or laws of this Commonwealth, and each member shall have as many votes as he has policies, and may vote by proxy. By-laws and votes.

SECT. 4. *Be it further enacted*, That the funds of said corporation shall be invested in stocks, or loaned on such security as the directors may order, and shall be appropriated, first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary, on the members, in proportion to the amount of their premiums and deposits for seven years; but not to exceed double the amount of such premiums and deposits. Investment and appropriation of funds.

SECT. 5. *Be it further enacted*, That whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds; but if sufficient estate or funds cannot be found to satisfy the same, and the directors shall neglect or refuse, for the space of thirty days from the rendering such judgment, to make an assessment, agreeably to the principles herein expressed, and deliver the same to the treasurer of said corporation, and direct him to collect the same in the manner by said corporation pointed out, to satisfy such execution, then, and in that case, he may levy the same on the private property of any one or more of the directors; and any director whose property may be thus taken, may sustain an action of the case against said corporation, to recover full and adequate damages therefor. Assessments.

SECT. 6. *Be it further enacted*, That each policy of insurance shall, of itself, without any other ceremony, create a lien on any building insured, and on the land under the same, and also on any other property insured, and this shall not prevent the taking of other collateral security. Levy and satisfaction of executions.

SECT. 7. *Be it further enacted*, That in case it shall become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession, and, in case of non-payment, the corporation may sustain an action for the sum due, either on the deposit note or by assessment, and their execution may be levied on the insured premises, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution, and the owner shall have a right to redeem the estate by paying Policies shall create a lien on property insured.

Proceedings in case of resort to the lien.

the costs of sale, the amount of execution, and twelve per cent. interest thereon, within one year from said sale.

Persons insured may receive proportion of remaining stock. SECT. 8. *Be it further enacted*, That each person insured shall, after the expiration of his policy or policies, have a right to demand and receive from the corporation his share of the remaining funds, in proportion to the sum or sums by him actually paid.

Liability to be taxed. SECT. 9. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of this Commonwealth taxing other similar institutions, and any person named in this act

First meeting. may call the first meeting by advertising the same in any newspaper printed in the county of Hampshire. [March 6, 1830.]

Chap. 73.

An ACT to incorporate the Becket Mutual Fire Insurance Company.

Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Eliada Kingsley, Arvad Chapman, Jabin B. Williams, Harry Chapman, Vassel White, Jun., S. A. Dewey, Elisha Adams, Alexander Clarke, Sylvanus Durlan, O. A. Perkins, Timothy Snow, Charles Seger, Alonzo N. Dewey, Lester Kingsley, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Becket Mutual Fire Insurance Company, with all the powers and privileges incident to such corporations, for the term of twenty-eight years.

When and for what time corporation may insure. SECT. 2. *Be it further enacted*, That when the sum subscribed to be insured shall amount to twenty-five thousand dollars, said corporation may insure for the term of from one to seven years, any buildings, goods, or moveables whatsoever, to any amount not exceeding three quarters of the value of the property insured.

By-laws and votes. SECT. 3. *Be it further enacted*, That said corporation may choose such officers, and establish such by-laws, as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy.

Investment and appropriation of funds. SECT. 4. *Be it further enacted*, That the funds of said corporation shall be vested in stocks, or loaned on security, as the directors may order, and shall be appropriated, first, to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation, exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed triple the amount of such premiums and deposits.

Levy and satisfaction of executions. SECT. 5. *Be it further enacted*, That, whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds; but, if sufficient estate or funds cannot be found, he may levy the same on the private property of any of the directors: *provided*, they first refuse, or

neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose; and any director, whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor.

SECT. 6. *Be it further enacted*, That each policy of insurance shall, of itself, without any other ceremony, create a lien on any building insured, and on the land under it, for the payment of the premium stipulated in said policy, and of all assessments lawfully made by virtue thereof; and this provision shall not prevent the taking of other collateral security.

Policy shall create a lien on property insured.

SECT. 7. *Be it further enacted*, That in case it should become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and, in case of non payment, the corporation may sustain an action for any sum due, either on the deposit note, or by assessment; and their execution may be levied on the premises insured; and the officer making the levy may sell the whole, or any part of the estate, at auction, giving notice, and proceeding in the same manner as is required in the sales of equities of redemption on execution; and the owner shall have a right to redeem the estate, by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Proceedings in case of resort to the lien.

SECT. 8. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions; and any member named in this act may call the first meeting, by posting up notifications thereof at two or more public places in the town of Becket in the county of Berkshire at least ten days before the time of meeting. [March 8, 1830.]

Liability to be taxed.

First meeting.

An Act to prevent the destruction of Trout in Russell Pond, in the town of Russell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any person, who shall take or kill any trout in Russell pond, in the town of Russell, at any time between the first day of October and the first day of January hereafter, shall forfeit and pay the sum of one dollar for each trout so killed or taken, to be recovered in an action of debt, in any court proper to try the same, in the name and to the use of the person who may first sue therefor. [March 8, 1830.]

Chap. 74.

Penalty.

An Act to reduce the capital stock of the Asiatic Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the first Monday of April next, the capital stock of the corporation created by an act passed on the twelfth day of June, in the year of our Lord one thousand eight hundred and twenty-four, by the name of the President, Directors and Company of the Asiatic Bank, be, and the same hereby is reduced to the sum of two hundred thousand dollars.

Chap. 75.

1824 ch. 40.
1825 ch. 168.
1826 ch. 69.
1827 ch. 24.

Capital stock reduced.

Number of
shares.

Dividend, &c.

Tax.

SECT. 2. *Be it further enacted*, That the number of shares in said capital stock shall remain the same as now established.

SECT. 3. *Be it further enacted*, That no dividend of the capital stock of said bank, as now existing, shall be made, until it shall have been proved, to the satisfaction of the governor and council, or of commissioners by them appointed, at the expense of said corporation, that the sum, to which the said capital stock is to be reduced, is sufficient to pay all notes in circulation, and all deposits and other demands existing against said corporation, and that nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the original act incorporating said bank, or by any other existing law. And the said corporation shall be holden to pay into the treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said bank, until the same shall be reduced as aforesaid, and all arrearages of taxes paid. [March 8, 1830.] Add. act, 1830 ch. 58.

Chap. 76.

1818 ch. 71.

Capital stock
reduced.

Number of
shares.

Dividend, &c.

Tax.

AN ACT to reduce the capital stock of the Commercial Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the first Monday of April next, the capital stock of the corporation created by an act passed on the twelfth day of February, in the year of our Lord eighteen hundred and nineteen, by the name of the President, Directors and Company of the Commercial Bank, be, and the same hereby is reduced to the sum of two hundred thousand dollars.

SECT. 2. *Be it further enacted*, That the number of shares in said capital stock shall remain the same as now established.

SECT. 3. *Be it further enacted*, That no dividend of the capital stock of said bank, as now existing, shall be made, until it shall have been proved, to the satisfaction of the governor and council, or of commissioners by them appointed, at the expense of said corporation, that the sum to which the said capital stock is to be reduced, is sufficient to pay all notes in circulation, and all deposits and other demands existing against said corporation; and that nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the original act incorporating said bank, or by any other existing law. And the said corporation shall be holden to pay into the treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said bank, until the same shall be actually reduced as aforesaid, and all arrearages of taxes paid. [March 8, 1830.] Add. act, 1830 ch. 58.

Chap. 77.

Apr. 1772.
Annexations,
1802 ch. 9.
(v. 3. p. 7.)
1803 ch. 50.
(v. 3. p. 258.)

AN ACT in addition to "An Act for incorporating a number of the inhabitants in the West Parish of Roxbury, with their estates, into a distinct Parish or Precinct."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Congregational Society of the Third Parish in Roxbury may take, hold and possess, by gift, devise, purchase,

or otherwise, real and personal estate, not exceeding twenty-five thousand dollars, exclusive of the present lands, buildings and appurtenances, as a ministerial fund, the income only of which shall be expended annually, and those only, whose pews in the meeting-house in said parish are taxed, shall be deemed legal voters, and said corporation may choose all such officers, and make and establish such by-laws, as the good management of their concerns may from time to time require: *provided*, the same are not repugnant to the constitution or laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That all monies necessary for the support of public worship in said meeting-house, and all other parochial charges, and for repairs of buildings and fences on their lands, which may be duly voted to be raised, shall be assessed on the pews on the lower floor in said meeting-house; according to a scale of valuation agreed upon by a vote of said parish, passed on the seventh day of January, in the year of our Lord one thousand eight hundred and thirty, which said valuation is not to be changed for the term of five years from the second Monday of April next; but, after that time, may be altered, and gallery pews may be included, if deemed expedient; said assessments to be collected in the manner provided by an act, entitled “an act authorizing the proprietors of churches, meeting-houses, and other houses of public worship, to regulate and manage their property and interest therein,” passed the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and eighteen.

SECT. 3. *Be it further enacted*, That said proprietors shall hold their pews under their respective deeds, and the same shall hereafter be considered personal estate, and the mode of future transfers shall be determined by the by-laws of said corporation, but no conveyance shall be valid until entered on the records of the corporation.

SECT. 4. *Be it further enacted*, That any person, wishing to dispose of his or her pew, shall first give notice thereof to the standing committee, stating the name of the person to whom it is intended to sell, and offering the same to said corporation; and if said corporation shall not elect to purchase and pay for such pew within thirty days from such notice, the same may be sold: *provided*, all dues thereon be first paid.

SECT. 5. *Be it further enacted*, That this act shall be subject to alteration or repeal at the pleasure of the Legislature. [March 8, 1830.]

An ACT to change the name and reduce the Capital Stock of the Manufacturers and Mechanics Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the banking corporation created and established in Boston, in the county of Suffolk, by an act passed and approved the eighteenth day of February, in the year of our Lord one thousand eight hundred and fourteen, by the corporate

1804 ch. 104.
(v. 3. p. 533.)
1806 ch. 22.
1811 ch. 134.
1812 ch. 129.
1820 ch. 20.

Real and personal estate.

Assessments.

1817 ch. 189.

Pews considered as personal estate, &c.

Persons intending to sell pews, shall offer them to the corporation.

Legislative control.

Chap. 78.

1813 ch. 134.
1815 ch. 68.

Name changed.

name of the Manufacturers and Mechanics Bank, may, on and after the first Monday of April next, take the corporate name of the President, Directors and Company, of the Tremont Bank, and by that name, shall be known, and called, and plead, and be impleaded.

Amount of capital stock and shares.

SECT. 2. *Be it further enacted*, That, on and after the first Monday of April next, the capital stock of said bank shall consist of five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; and, in order to reduce said capital stock to that sum, and to make the shares of that amount, the president and directors of said bank, shall, on said day, or as soon after as may conveniently be done, pay to such persons as may be owners and holders of said stock on that day, to each and every of them, one third part of the capital stock, so owned and held by each stockholder respectively, at its full par value, with such profits or dividend as may then belong to the same; and shall then deliver, to such stockholders, new certificates, in shares of one hundred dollars each, for the stock remaining unpaid, receiving at the same time the old certificates held by such stockholders: *provided, however*, that in case there shall remain to any stockholder, after receiving one third of his capital stock as aforesaid, and a new certificate at one hundred dollars for each share, a fraction or part of his capital stock, less than one hundred dollars, such fraction or part shall be paid to him at its full par value, or be adjusted in such other manner as the parties may elect and agree upon.

Proviso.

Dividend of capital stock, &c.

SECT. 3. *Be it further enacted*, That no dividend of the capital stock of said bank, as now existing, shall be made, until it shall have been proved to the satisfaction of the governor and council, or of commissioners by them appointed, at the expense of said corporation, that the sum to which the said capital stock is to be reduced, is sufficient to pay all notes in circulation, and all deposits and other demands existing against said corporation, and that nothing contained in this act shall be construed to affect the liability of the corporation, or the individual stockholders, as established by the original act incorporating said bank, or any other existing law; and the said corporation shall be holden to pay into the treasury of the Commonwealth their proportion of the tax now required to be paid by law upon the existing capital of said bank, until the same shall be actually reduced as aforesaid and all arrearages of taxes paid.

Loans to the Commonwealth.

SECT. 4. *Be it further enacted*, That the liability of the president, directors and company of the said bank to loan to the Commonwealth, shall be in proportion to the sum of the capital of said corporation, when reduced as aforesaid.

Repeal.

SECT. 5. *Be it further enacted*, That so much of the aforesaid act, passed February 14, [18,] 1814, as is inconsistent with the provisions of this act, be, and the same is hereby repealed. [March 8, 1830.] Add. act, 1830 ch. 58.

An ACT to authorize the laying out of a Highway over Goose Cove, in the town of Gloucester.

Chap. 79.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the county commissioners for the county of Essex, be, and hereby are authorized and empowered to lay out a public highway across Goose Cove, in the town of Gloucester, the same being navigable water, in case said commissioners shall, after a full hearing, be of the opinion that the public good requires it. [March 8, 1830.] Add. act, 1830 ch. 59.

Commissioners empowered to lay out a highway.

An ACT providing in certain cases for the Election of Mayor of the City of Boston.

Chap. 80.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, whenever, on examination by the mayor and aldermen of the city of Boston, of the returns of votes given for mayor, at the meetings of the wards holden for the purpose of electing that officer, last preceding the first Monday of January in each year, no person shall appear to have a majority of all the votes given for mayor, the mayor and aldermen by whom such examination is made shall make a record of that fact, an attested copy of which it shall be the duty of the city clerk to produce and read on the first Monday of January, in the presence of the members returned to serve as aldermen and common council men, and thereupon the oaths prescribed by law may be administered to the members elect, by any one of the justices of the supreme judicial court, or any judge of any court of record holden in said city, or by any justice of the peace for the county of Suffolk; and thereupon the members of the board of aldermen shall proceed to elect a chairman, and the common council a president, in their respective chambers; and being respectively organized, shall meet in convention, and proceed to the election of mayor, by ballot, from the three persons having the highest number of votes for that office at the last ballot in the wards, and the person having a majority of all the votes, shall be mayor for the current year, being first duly sworn. And the same proceedings shall be had in case of the death of any person elected mayor, prior to the meeting of the city council on the first Monday in January.

1821 ch. 110.
1822 ch. 107.
1824 ch. 49.

Mayor, how elected in certain cases.

SECT. 2. *Be it further enacted,* That in case any person elected mayor of said city shall refuse to accept the office, the same proceedings shall be had in all respects as are herein before directed, in cases wherein there has been no choice, until a mayor be chosen by a majority of votes: *provided,* that if such refusal be not known to the mayor and aldermen in season to enable them to issue warrants for ward meetings prior to the first Monday in January, the convention shall proceed to the election of a mayor by ballot, from the citizens at large, and the person having a majority of all the votes shall be mayor for the current year, being first duly sworn. And in case of the unavoidable absence, by sickness or otherwise, of the mayor, on the first Monday of January, the city council shall organize it-

In case of refusal to accept the office, mayor how elected.

self in the mode herein before provided, and may proceed to business in the same manner as if the mayor were present.

This act how
void.

SECT. 3. *Be it further enacted*, That this act shall be void unless the inhabitants of said city of Boston, at a legal city meeting called for that purpose, shall, by a written vote, determine to adopt the same, within twelve days from the time of the passage of this act. [March 8, 1830.] Add. act, 1830 ch. 7.

Chap. 82.

1822 ch. 55.
1823 ch. 8.

Capital stock
reduced.

An ACT to reduce the Capital Stock of the Exchange Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the first Monday of April next, the capital stock of the corporation created by an act of the Legislature, passed on the thirty-first day of January, in the year of our Lord one thousand eight hundred and twenty-three, by the name of the President, Directors and Company of the Exchange Bank, be, and the same hereby is reduced to the sum of two hundred thousand dollars.

SECT. 2. *Be it further enacted*, That the number of shares in said capital stock shall remain the same as now established.

Dividend, &c.

SECT. 3. *Be it further enacted*, That no dividend of the capital stock of said bank, as now existing, shall be made, until it shall have been proved, to the satisfaction of the governor and council, or of commissioners by them appointed, at the expense of said corporation, that the sum to which the said capital stock is to be reduced, is sufficient to pay all notes in circulation, and all deposits, and other demands existing against said corporation; and that nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the original act incorporating said bank, or by any other existing law. And the said corporation shall be holden to pay into the treasury of this Commonwealth their proportion of the tax now required to be paid by law, upon the existing capital of said bank, until the same shall be actually reduced as aforesaid, and all arrearages of taxes paid. [March 8, 1830.] Add. act, 1830 ch. 58.

Tax.

Chap. 83.

1799 ch. 80.
(v. 2. p. 378.)
1810 ch. 28.

Real estate.

An ACT in addition to an Act, entitled "An Act to incorporate Ebenezer Bickford and others, for the purpose of establishing an Iron Manufactory, and other purposes therein mentioned."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Salem Iron Factory Company may hereafter hold real estate for the purposes of the corporation, to the amount of fifty thousand dollars. [March 8, 1830.]

Chap. 84.

An ACT to prevent the destruction of Fish by seining in the waters of Tisbury.

Fishing with
seines prohib-
ited.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the passing of this act, it shall not be lawful for any person or persons to catch by seining thereof, or by the use of any nets, (excepting dip nets,) any fish in the

waters of the Lagoon and Chappaquansett ponds, in the town of Tisbury, or the creeks or shores adjoining said ponds, or Holmes Hole harbor; excepting English herring, menhaden and mackerel: *provided*, that this act shall not have force or effect to restrain the taking of fish in the manner aforesaid, in any place more than one mile from the shores adjoining said pond, excepting Holmes Hole harbor.

Proviso.

SECT. 2. *Be it further enacted*, That if any person or persons shall violate the provisions of this act, each person so offending, for each and every such offence, shall, on conviction thereof, pay a fine not exceeding ten dollars, nor less than one dollar, if the quantity of fish so taken be less than one barrel; but if the quantity shall be one barrel or more, such person or persons, so offending, shall forfeit and pay, for each and every barrel of fish so taken, the sum of five dollars.

Penalties.

SECT. 3. *Be it further enacted*, That all fines and forfeitures, which shall be incurred by virtue of this act, shall be recovered in an action of debt, in any court proper to try the same, by any person who shall first sue therefor, one half thereof to the use of the complainant, the other to the use of the town of Tisbury. [March 8, 1830.]

How recovered.

An ACT to incorporate the Northern Baptist Education Society.

Chap. 85.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Sharp, Lucius Bolles, Ebenezer Nelson, James D. Knowles, Bela Jacobs, Cyrus P. Grosvenor, Howard Malcom, Henry Jackson, and John B. Jones, together with such others as are or may hereafter be associated with them, are hereby formed into and constituted a body politic and corporate, by the name of the Northern Baptist Education Society; and they and their successors shall be and continue a body politic and corporate by that name forever.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said society may have a common seal; by the name aforesaid may sue and be sued; and may choose such officers and make such by-laws, not repugnant to the constitution and laws of this Commonwealth, as may be necessary for the promotion of the objects of the society.

General powers.

SECT. 3. *Be it further enacted*, That the said society shall be, and they are hereby made capable in law, of receiving any grants or devises of lands or tenements, in fee simple, or for a less estate, and also any donations or bequests of money, or other personal estate, which may have been made, or which may hereafter be made, by any person or persons whatever, and to use and improve the same for the purposes, and according to the directions herein mentioned: *provided*, that the said society shall, at no time, take, hold or possess, in real and personal estate, a greater amount than sixty thousand dollars, upon a just valuation.

Grants and donations.

Proviso.

SECT. 4. *Be it further enacted*, That all grants, donations, devises and bequests of any real or personal estate to the said society, not exceeding in amount the sum of sixty thousand dol-

Appropriation of income.

lars, shall be used and improved to the best advantage, and the annual income thereof, together with the annual subscriptions and contributions which shall be made to the said society, shall be applied, annually, to the assistance of such young men in their education for the ministry, as the society shall determine to be fit subjects thereof.

Investment of funds.

SECT. 5. *Be it further enacted*, That the said society, when they shall deem it most for their advantage, may sell and dispose of, in fee simple or otherwise, all or any of the real estate belonging to them, and invest the same in funds, or may apply their personal estate to the purchase of real estate, and the income of said real or personal estate shall be applied to the objects for which said estate was given.

Deeds, &c. how to be executed.

SECT. 6. *Be it further enacted*, That all deeds, grants, covenants and agreements, to be made for and in behalf of said society, shall be executed under the common seal of the same, and signed by the president and secretary.

1817 ch. 97.

SECT. 7. *Be it further enacted*, That the said Northern Baptist Education Society shall be taken and deemed to be the lawful successors of the Executive Committee of the Massachusetts Baptist Education Society, incorporated the tenth day of February, in the year of our Lord one thousand eight hundred and eighteen; and shall succeed to all the rights and privileges, and be subject to all the duties and liabilities, of said Executive Committee, except so far as the same are varied or altered by the provisions of this act.

Repeal.

SECT. 8. *Be it further enacted*, That all parts of the said act, passed on the tenth day of February, in the year of our Lord one thousand eight hundred and eighteen, be, and the same hereby are repealed, so far as the same are inconsistent with the provisions of this act.

Legislative control.

SECT. 9. *Be it further enacted*, That this act shall be altered or repealed at the pleasure of the Legislature. [March 8, 1830.]

Chap. 87.

An ACT to establish a Fire Department in the Town of Roxbury.

Number and appointment of the members of the fire department.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the fire department of the town of Roxbury shall hereafter consist of a chief engineer, and as many assistant engineers, not exceeding twelve, as the selectmen of said town shall, annually, on the first Wednesday in April, appoint, who shall hold their offices for one year from the first day of May next succeeding; also, as many engine men, hose men and hook and ladder men, as the selectmen shall annually, on the first Wednesday in April, or as soon thereafter as may be, appoint: *provided*, that the number of engine men shall not exceed fifty to every hydraulion or suction engine, thirty to every common engine, five to every hose carriage, and twenty-five hook and ladder men.

Vacancies, by-laws, &c.

SECT. 2. *Be it further enacted*, That the selectmen of

said town of Roxbury be, and they are hereby authorized and required to fill any vacancies occurring in said fire department, to give certificates of appointments to the members thereof, and to fix and establish, from time to time, the powers and duties of the officers and members of said fire department, respectively, in relation to fire engines, and all their fire apparatus, belonging to, or used in said town, and the care and management thereof, and to fix and ordain rules and regulations for the conduct of said officers and members, and of the citizens present at fires, and to annex penalties for the breach thereof, not exceeding twenty dollars, which penalties may be sued for in the name of the treasurer of said town, in any courts proper to try the same: *provided*, such rules and regulations shall not be binding and valid until the same shall be published in some newspaper printed in the city of Boston.

Proviso.

SECT. 3. *Be it further enacted*, That the chief engineer and engineers, so appointed, shall have the same powers and authority relative to pulling down or demolishing any house or other building to prevent the spreading of fires, and relative to all other matters and things affecting the extinguishment or prevention of fires, or the commanding assistance at them, as firewards now by law have; and the said town of Roxbury shall be liable to pay all such reasonable compensation for damage done by, or consequent upon the acts or directions of said chief engineer or engineers, as other towns in this Commonwealth are liable to pay in like cases for like acts and directions done or given by their firewards; and all fines and forfeitures arising within said town of Roxbury, under the laws of this Commonwealth, relative to the extinction and prevention of, or proceedings at fires, shall be distributed in such manner, and applied to such uses, as the said town shall ordain and direct.

Powers of engineers, and liability of the town.

SECT. 4. *Be it further enacted*, That the members of said fire department shall be exempted from all military duty and service in the militia, so long as they shall continue members thereof, and it shall be the duty of every person so exempted to produce to the commanding officer of the company within whose bounds he resides, a certificate of his appointment, within twenty days from and after his appointment, and annually thereafter in the month of April.

Exemption from military duty.

SECT. 5. *Be it further enacted*, That, from and after the organization of a fire department under this act, and notice thereof given in one or more newspapers published in the city of Boston, all laws of this Commonwealth relating to the election and appointment of firewards, so far as they affect the election and appointment of firewards in the town of Roxbury, be, and the same are hereby repealed.

Repeal.

SECT. 6. *Be it further enacted*, That the provisions of this act shall take effect, and be in force, as soon as the same shall be accepted by the citizens of said town, qualified to vote in town affairs, at a legal meeting held for that purpose, and shall continue in force until modified or repealed by the Legislature. [March 9, 1830.]

When this act shall take effect.

Chap. 89.

An ACT to incorporate the Atlantic Insurance Company.

Persons incor-
porated.

Powers and
duties.
1817 ch. 120.

1819 ch. 141.

Real estate.

Capital stock,
shares, &c.

Stock, &c. to
be under the
management of
nine directors.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Francis Watts, and his associates, and their successors and assigns be, and they hereby are incorporated and made a body politic, by the name of the Atlantic Insurance Company, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, in the usual and customary manner, with all the privileges, and subject to all the duties and obligations contained in a law entitled “an act to define the powers, duties and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and “an act authorizing the several insurance offices in this Commonwealth to insure against fire,” passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years from and after the passing of this act; and by the name aforesaid they may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution: and they may have a common seal, which they may alter at pleasure; and they may purchase, hold and convey any estate, real or personal, for the use of said company: *provided*, that the said real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and one hundred and twenty-five thousand dollars shall be paid in, in money, within sixty days after the first meeting of said company, and the residue within one year from the time of passing this act, in such instalments, and under such provisions and penalties as the president and directors of said company shall order and appoint; and the capital stock shall not be transferred within one year from the passing of this act; and if the provisions of this act shall not have been complied with in one year from the passing of this act, the same shall be void.

SECT. 3. *Be it further enacted*, That the stock, property and concerns shall be managed and conducted by nine directors, one of whom shall be the president of the company; and they shall hold their offices till the next annual meeting after their election, and until others are chosen in their stead; and they, at the time of their election, shall be interested in the stock of the company, and citizens of this Commonwealth; and the directors shall be elected at the annual meeting of the company, which shall be holden at such time and place, in the city of Boston, in the month of April annually, as the directors for the time being shall appoint; of which meeting public notice shall be given in two of the newspapers printed in Boston, at least ten days previous to the meeting. The election shall be made by ballot, by a majority of the

stockholders present, allowing one vote to each share of the stock: *provided*, that no stockholder, in his own right, shall be entitled to more than thirty votes; and absent stockholders may vote by proxy. Right of voting.

SECT. 4. *Be it further enacted*, That the directors, as soon as may be convenient after they shall be chosen, shall meet and elect one of their body to be the president of the company, and he shall be sworn or affirmed to the faithful discharge of the duties of his office; and he shall preside till the next annual meeting, and until another president shall be chosen; and in case of the death, resignation, or inability to serve, of the president or any director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election, at a meeting of the stockholders, to be called for that purpose, in the same manner as herein provided respecting annual elections of directors. Election of president.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five directors in the absence of the president, shall be a board competent to transact all the business which is referred to them, and all questions before them shall be decided by a majority of votes; and they shall have power to make and alter such by-laws, as to them may appear useful for the management and disposition of the property and concerns of the company: *provided*, that the same be not repugnant to the laws and constitution of the Commonwealth. And said directors may appoint all officers and agents that in their opinion the affairs of the company may require, and prescribe their duties, and fix their compensation, invest and manage the capital and income of the company, pay losses, declare and pay dividends, and do all things which the company might lawfully do, excepting as is otherwise herein provided. Board for the transaction of business.

SECT. 6. *Be it further enacted*, That the said Francis Watts be, and he hereby is authorized, as soon as shall be convenient after the passing of this act, to call the first meeting of said company, for the purpose of organizing the corporation and choosing directors, by advertising notice of the time and place of the meeting, in two of the newspapers printed in Boston, at least two weeks previous to the meeting. First meeting.

SECT. 7. *Be it further enacted*, That said company shall not take any risk, or subscribe any policy, till one half of their capital shall be paid in; and they shall at no time take any one risk, by way of a policy of insurance, maritime loan, or bottomry, or otherwise, to a greater amount than ten per cent. on their capital actually paid in. Limitation of risks.

SECT. 8. *Be it further enacted*, That the Atlantic Insurance Company shall be located in Boston, and it shall be liable to be taxed by any general law providing for the taxation of all similar corporations that are by law liable to be taxed. [March 10, 1830.] Location.

Chap. 90. An ACT to incorporate the Proprietors of the First Universalist Meeting-house in Hingham.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Moses L. Humphrey, Henry Nye, Marshall Lincoln, Ensign Barnes, Jr., Jarius Thayer, and others who have associated, or may hereafter associate with them, and their successors, be, and they are hereby constituted a body corporate and politic, by the name of the Proprietors of the First Universalist Meeting-house in Hingham; and by that name may sue and be sued, have a common seal, and ordain and establish such by-laws and regulations, not repugnant to the constitution and laws of this Commonwealth; and choose such officers as the good management of said body corporate may at all times require; and may purchase, receive by gift or devise, and hold real and personal estate, the annual rent or income of which shall not exceed the sum of fifteen hundred dollars.

Real and per-
sonal estate.

Proprietors of
pews, how
taxed.

1817 ch. 189.

SECT. 2. *Be it further enacted,* That the proprietor or proprietors of each pew on the lower floor of said house shall pay to the treasurer of the corporation the sum of three dollars annually, and the proprietor or proprietors of each pew in the gallery of said house shall pay to the said treasurer the sum of one dollar and fifty cents annually, to be collected in the manner provided by "an act authorizing the proprietors of churches, meeting-houses, and other houses of public worship, to regulate and manage their property and interests therein;" and the same shall be appropriated for the support of public worship in said meeting-house.

Shares.

SECT. 3. *Be it further enacted,* That the proprietor of each pew on the lower floor of said house shall be considered the owner of one share of the property of said corporation, and the proprietor of each pew in the gallery of said house shall be considered the owner of half a share in said property, the certificates of which shares and half shares, and all transfers of the same, shall be recorded in the records of the proprietors, in such manner and form as they shall prescribe by their by-laws; and all shares and half shares in said corporation shall be personal estate; and every proprietor of a pew in said meeting-house, whether on the lower floor, or in the gallery, or his agent duly authorized in writing, shall have a right to vote in all meetings of said corporation: *provided,* that no proprietor shall be entitled to more than two votes; and in case a pew be owned by two or more persons, they shall jointly be entitled to one vote.

Right of voting.

Sale of pews.

SECT. 4. *Be it further enacted,* That, if the amount of the sales of pews shall exceed the amount paid for the meeting-house, and lot of land on which it stands, the surplus shall be retained by the treasurer for the uses of the corporation as aforesaid, or the support of public worship in said house; and so long as any of the pews remain unsold, the rent and income shall be disposed of in the same manner.

First meeting.

SECT. 5. *Be it further enacted,* That Moses L. Humphrey,

Marshall Lincoln and Zadock Hersey, or any two of them, may call the first meeting of the proprietors, by posting notice at said meeting-house, ten days at least before said meeting, specifying the time, place and purpose of the same; and said proprietors may then and there determine the method of calling future meetings.

SECT. 6. *Be it further enacted*, That this act shall be subject to revision or repeal, at the pleasure of the Legislature. [March 10, 1830.]

Legislative control.

AN ACT to incorporate the Trustees of Warren Academy in Woburn.

Chap. 91.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Hubbard, Isaac Warren, Warren Fay, Joseph Bennett, Aaron Warner, Benjamin Wyman and Joseph Gardner, be, and they hereby are incorporated, for the purposes of educating youth in the liberal arts and sciences, and encouraging manual labor in connexion with study, by the name of the Trustees of Warren Academy, and they and their successors shall be and continue a body politic by that name forever.

Persons incorporated.

SECT. 2. *Be it further enacted*, That all lands, monies, or other property, heretofore given, or subscribed, for the purpose of erecting and establishing said academy in the town of Woburn, in the county of Middlesex, or which shall hereafter be given, granted or assigned, to the said trustees, shall be confirmed to the said trustees and their successors in that trust forever, for the uses which in such instruments shall be expressed; and the said trustees shall be capable of having, holding and taking, in fee simple, by gift, grant, devise or otherwise, any lands, tenements or other estate, real or personal: *provided*, the annual income of the same shall not exceed the sum of five thousand dollars; and they shall apply the interest, rents and profits thereof, so as most effectually to promote the design of the institution.

Trustees may hold real estate, &c.

Proviso.

SECT. 3. *Be it further enacted*, That the number of trustees of said academy shall not be more than eleven, nor less than five, and said trustees for the time being shall be the visitors and governors of said institution, and shall have full powers, from time to time, to elect such officers thereof as they shall judge necessary, and fix the tenure of their respective offices, to require their treasurer to give bonds to their acceptance, to elect trustees, and to remove from office any trustee, when he shall be disqualified by age or otherwise, to discharge the duties of his office; and they may have a common seal, which they may alter or renew at their pleasure; may make contracts, sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, and may make and establish any by-laws, rules and regulations for the government of their affairs, and of the institution: *provided*, the same be not repugnant to the constitution and laws of the Commonwealth.

Number of trustees, by-laws, &c.

SECT. 4. *Be it further enacted*, That any one of the three persons named in this act be, and is hereby authorized and em-

First meeting.

powered to fix the time and place for holding the first meeting of the trustees, and to give them notice thereof.

Legislative control.

SECT. 5. *Be it further enacted*, That this act may be altered or repealed by the Legislature at any time hereafter. [March 10, 1830.]

Chap. 92.

An ACT to incorporate the Northern Stage Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Hiram Plummer, Warner Whittier, Charles White, Thomas Newcomb, Leonard White, Bailey Bartlett, Nathaniel Hills, John Dow, James H. Duncan, Benjamin Willis, Solomon Wilds, and John Woodman, with such others, as may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Northern Stage Company, for the purpose of conveying passengers from the city of Boston, north and east to New Hampshire, and from New Hampshire to the city of Boston, with liberty to convey passengers to and from all places upon the aforesaid routes ; and, for that purpose, shall have all the powers and privileges, and shall be subject to all the duties, restrictions and liabilities, prescribed and contained in an act, entitled “an act defining the general powers and duties of manufacturing corporations,” passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto, passed previously to the present session of the general court : *provided, however*, that said company shall not ask, or demand, for the conveyance of any passenger, with usual baggage, any greater sum than five cents per mile, under a penalty of twenty dollars, to be recovered by any person aggrieved thereby, in any court proper to try the same.

Powers and duties.

1803 ch. 65.

Proviso.

Real and personal estate.

SECT. 2. *Be it further enacted*, That said company may lawfully hold and possess such real estate, not exceeding the value of twenty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, as may be necessary for the purposes aforesaid.

Name of company to be affixed to carriages.

SECT. 3. *Be it further enacted*, That the name of said company shall be conspicuously affixed to all carriages which may be used by them ; and, if said company shall neglect to comply with this requirement, they shall be liable to forfeit and pay ten dollars for each and every day during which any of their said carriages may be employed in the transportation of passengers without having their said name so affixed thereto, which forfeiture may be sued for and recovered in any court of competent jurisdiction, by the person who shall first sue for the same, to his own use. And said company shall be responsible for all baggage or other property committed to them, their agents or drivers, to be conveyed on any of said routes or any part thereof.

Company responsible for baggage.

Legislative control.

SECT. 4. *Be it further enacted*, That this act may be amended or repealed at the pleasure of the Legislature. [March 10, 1830.]

AN ACT to incorporate the Franklin Rail-road Company.

Chap. 93.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Francis J. Oliver, William Goddard, Thomas B. Wales, Pliny Cutler, Joseph H. Dorr, Henry J. Oliver, Andrew J. Allen, William Parker, Nathaniel Hammond, their associates and successors, be, and they are hereby constituted and made a body politic, and shall be and remain a corporation, under the name of the Franklin Rail-road Company ; and, by that name, may sue and prosecute, and be sued and prosecuted to final judgment and execution, and may have a common seal, and the same may break, alter and renew at pleasure, and shall be, and hereby are, invested with all the powers and privileges which by law are incident to corporations of a similar nature, and which are necessary to carry into effect the objects of the association.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said corporation may, and hereby are authorized to locate, construct, and fully complete a rail-road, with one, two, or more sets of tracks, as said corporation may find most expedient, commencing at or near the city of Boston, and running thence in a westerly or northwesterly direction, on the most eligible route, through the counties of Middlesex, Worcester and Franklin, in such place or places as may be deemed most convenient for said company, to the boundary line of the state of New Hampshire or of Vermont ; and for this purpose the said corporation are authorized to locate the road four rods wide, through the whole length ; and for the purpose of cuttings, embankments, and for procuring stone and gravel, may take as much more land as may be necessary for the construction and security of said road : *provided, however,* that all damages which may be occasioned to any person or corporation by the taking of such land or materials for the purposes aforesaid, shall be paid for by said corporation in the manner herein after provided.

Location.

SECT. 3. *Be it further enacted,* That the said corporation shall be, and hereby are authorized to raise sufficient funds for the accomplishment of the objects aforesaid, and for that purpose, they may, as soon as they shall see fit after the passing of this act, open books at some suitable place or places, wherein subscriptions may be entered for shares in the capital stock of said corporation, each share to be of the amount of one hundred dollars, and each person so subscribing to be a member of said corporation for all purposes. And as soon as five thousand shares have been subscribed, said corporation may be organized in manner following, to wit : the persons before named, or any five of them, may make application to any justice of the peace for the county of Suffolk, requesting him to call a meeting of the proprietors, to be holden at some convenient place within the city of Boston, whereupon such justice may issue his warrant to any one of said members, directing him to notify the subscribers to meet at such convenient time and place, in the county

Subscriptions, shares, and organization of the corporation.

aforesaid, as he may therein appoint, to do and transact all such matters and things as may be expressed in said warrant ; and the member to whom such warrant shall be directed, shall give notice to the other members, by causing said warrant to be published in one or more of the newspapers printed in each of the counties of Suffolk, Worcester, Middlesex and Franklin ; and the proprietors, at the same meeting or at a subsequent one, shall choose nine directors for regulating the affairs of said corporation ; and every member shall have a right, at said meeting, and at all other meetings, by himself or proxy, duly authorized in writing, to vote in the following ratio, one share, one vote, and every two additional shares one vote : *provided*, no stockholder shall be entitled to more than ten votes. And the said directors are hereby authorized to choose one of their number as president, to preside at all meetings ; also to appoint a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with at least two sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust. They shall also have power to appoint all such engineers and agents as they may deem necessary in the progress of the work, and allow them such compensation for their services as they shall think just and reasonable, and make all necessary contracts for the construction of said rail-road. And the president and directors for the time being are authorized to purchase and hold, in the name of the corporation, land, materials and other necessary things, for the construction and use of said rail-road.

Amount of shares, &c. **SECT. 4.** *Be it further enacted*, That the said books of subscription shall remain open as long as said corporation shall see fit ; but no assessment shall ever be made so as to make any subscriber liable to pay more than one hundred dollars for a share. If, after the closing of said books, or at any time, it shall appear that sufficient funds have not been raised, the corporation, or its officers duly authorized, may, at any time, and from time to time, raise necessary funds, by creating or selling new shares upon the best terms that can be obtained.

Forfeiture and sale of delinquents' shares. **SECT. 5.** *Be it further enacted*, That if any subscriber shall neglect to pay his or her subscription, or any portion thereof, for the space of thirty days after he is required so to do, by a vote of the corporation, the directors may order the treasurer to make sale of such share or shares at public auction, giving due notice thereof, to the highest bidder, and the same shall be transferred by the treasurer in manner herein after provided, to the purchaser, and such delinquent subscriber shall be held accountable for the balance, if his share shall be sold for less than the nominal value, together with interest thereon, and the expenses of such sale ; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due thereon, with interest and expenses. The manner of giving notice and of transferring shares shall be provided for in the by-laws of the corporation.

SECT. 6. *Be it further enacted*, That, whenever said corporation shall have located said rail-road, or any part thereof, they may make a report thereof to any meeting of the county commissioners, then to be holden, within and for the county within which said location may be made, or to any adjourned term thereof, wherein they shall particularly describe the location they have made, its width, and the stone and gravel intended to be used, or taken for said road, and the names of the owners of the land, stone and gravel, so far as the same can be ascertained, which said report, so made, shall be placed on the files of said commissioners, and notice be given to the said owners, in such manner as the said commissioners shall direct, at the expense of said corporation. And the said commissioners shall thereupon appoint three discreet and disinterested freeholders of the said county, as a committee to estimate all damages, which any person or corporation, whose lands, stone and gravel are described and mentioned in such report, shall sustain by the construction of such rail-road, and the taking of such stone and gravel. And the said committee, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof, and shall give public and seasonable notice in such manner as said commissioners shall direct, to all persons interested, to file their claims, if any they have, which have not been released to said corporation, with some one of said committee, or with the clerk of the commissioners for the said county, within thirty days from the date of said notice. At the end of the term allowed for filing such claim for damages, the committee, or a majority of them, having previously given notice to all parties interested, of the time and of the extent of the route to be examined, by publishing an advertisement thereof, three weeks successively, in one or more of the newspapers printed in said county, shall pass over the premises, so intended to be used by said corporation, for the purposes aforesaid; and after hearing the parties in interest, shall, according to their best skill and judgment, estimate all such damages, as they shall think any person or persons, corporation or corporations, shall sustain, by the construction of said rail-road, or the use of any materials taken, over and above the benefits and advantages which the said committee shall judge may accrue to such person or persons, corporation or corporations, from the construction of said rail-road. And the said committee, or a major part of them, shall make return of their doings, as soon as may be, after the same have been completed, to the said county commissioners, to the end that the same may be allowed, accepted and recorded; and the said commissioners shall thereupon order the said report, or the substance thereof, to be forthwith published, in one or more of the newspapers printed in said county, three weeks successively, at the expense of the corporation; and if the said corporation, or any person or persons interested, shall be dissatisfied with the estimate of said committee, then application may be made, by such dissatisfied party, at the next meeting of said

Corporation shall make report of location to county commissioners.

Committee to estimate damages.

Party dissatisfied may have a trial by jury.

Payment of
damages.

county commissioners, after the return and acceptance of such report, and after its publication as aforesaid, for a jury to hear and finally determine upon the amount of damages, to be assessed in the case complained of, which said jury shall be summoned by the sheriff, under the direction of the commissioners, in manner prescribed by law, in case of complaints for damages occasioned by the laying out of highways; and they shall be under oath, according to the provisions of law in such cases, and the verdict of said jury shall be returned to the next term of the court of common pleas, within said county; and if the party injured in his, her, or their estate, apply for such jury, and fail to obtain increased damages, such party shall be liable for all legal costs arising after the entering of such application for a jury, otherwise shall recover reasonable costs; and said court shall enter judgment, and issue execution accordingly; and if said corporation apply for a jury, and fail to obtain a diminution of damages, it shall in like manner be liable for costs; and said court may enter judgment, and issue execution for such costs. And the said corporation, having entered upon the land of any person or persons, and commenced the process of excavation or embankment, for the purpose of constructing said rail-road, or any part thereof, shall, within ninety days after the damages, if any, have been ascertained, in manner aforesaid, pay the same or cause the same to be paid, to the person or persons entitled to receive the same. In the neglect of such payment, such person or persons on whose land such operations are so commenced, may have an action of debt against said corporation, in any court proper to try the same, to recover such damages, and the execution for the damages assessed as aforesaid, or for costs, shall be in common form, and may be levied upon the goods, estate or lands of the corporation; and the report of said committee, when accepted and recorded, and not appealed from, in manner aforesaid, or the verdict of a jury being returned, accepted and recorded, shall forever be a bar to any other action, commenced for damages against said corporation, on account of the injury for which such damages were awarded.

Damages, how
estimated, in
case of altera-
tions.

SECT. 7. *Be it further enacted*, That if, after said rail-road shall be located, or any part thereof, and a report of a committee be made thereon in manner aforesaid, any alteration shall be made in the course thereof, the damages may be estimated in the same way, and the same proceedings had in manner provided in this act: *provided, however*, that in all cases it shall be competent for said corporation, and any person or persons, corporation or corporations, injured by the location of said road, or the taking of the materials aforesaid, to submit the question of damage to such referees as they may agree upon, whose award, when returned to the said court of common pleas, and accepted, shall be final, and said court may enter judgment accordingly; and said committee or referees, in all cases, shall be allowed three dollars per day for their services, and one dollar for every

ten miles actually travelled by them in the discharge of the duties of their appointment.

SECT. 8. *Be it further enacted*, That when the land, or other property or estate, belonging to any infant, married woman or person *non compos mentis*, shall be taken and appropriated for the use and purposes of said rail-road as aforesaid, the husband of said married woman, and the guardian of such infant or person *non compos mentis*, respectively, may execute a release of all damages in relation to such lands or other estate so taken and appropriated as aforesaid, as they might do if the same were by them holden in their own right respectively.

Land of infants, &c., how taken.

SECT. 9. *Be it further enacted*, That if the said rail-road, in the course thereof, cross any private way, the said corporation shall so construct said rail-road as not to obstruct the safe and convenient use of such private way; and if said rail-road shall not be so constructed, the party aggrieved shall be entitled to his action on the case, in any court proper to try the same, and shall recover his reasonable damages for such injury; and if the said rail-road shall, in the course thereof, cross any turnpike or other highway, the said rail-road shall be so constructed as not to impede or obstruct the safe and convenient use of such turnpike or highway. And the said corporation shall have power to raise or lower such turnpike or highway, so that said rail-road, if necessary, may conveniently pass under or over the same. And if said corporation shall raise or lower any such turnpike or highway, pursuant thereto, and shall not so raise or lower the same as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which such highway may be situated, as the case may be, said proprietors or selectmen may require in writing of said corporation, such alteration or amendment as they may think necessary. And if the required amendment or alteration be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damages, for all charges, disbursements, labor and services occasioned by making such alteration or amendment, with costs of suit.

Rail-road, how constructed in case it cross a public or private way.

SECT. 10. *Be it further enacted*, That a toll be, and hereby is granted and established, for the sole benefit of said corporation forever, according to the rates following, viz: For every ton, computing by weight or admeasurement, not exceeding three cents, and for every passenger passing and repassing, not exceeding two cents per mile, that shall be conveyed upon said rail-road, exclusive of the expense of transportation, payable at such time, and in such manner, as may be described in the by-laws: *provided, however*, that, if at any time after the expiration of four years from the completion of said road, the net income shall have amounted to more than ten per cent.

Rates of toll.

[Repealed, 1830 ch. 17.]

per annum, from the date of the completion aforesaid, upon the actual cost of said road, the Legislature may take measures to alter and reduce the rate of tolls and income, in such manner as to take off the overplus for the next four years, calculating the amount of transportation and income to be the same as the four preceding years; and at the expiration of every four years thereafter the same proceeding may be had. And it shall be the duty of the treasurer of said corporation to file, in the month of January, in each year, in the office of the secretary of this Commonwealth, a detailed statement of all expenditures and receipts on account of said road, which statement shall be authenticated by the oath of the treasurer.

By-laws, &c.

SECT. 11. *Be it further enacted*, That the said corporation shall have power, from time to time, to make and ordain such by-laws, rules and regulations as may be necessary, touching the premises, especially to fix and determine the size and form of the carriages, and cars or vehicles, the weight of loads, and also to adopt all other regulations which they may deem necessary or useful for conveyance and transportation upon said rail-road: *provided*, that the same be not repugnant to the constitution and laws of this Commonwealth; and the penalties provided by said rules, by-laws and regulations, may be sued for and recovered by the treasurer of said corporation, or by any other person by them authorized, to their use and benefit, by an action of the case, before any justice of the peace, or any court proper to try the same, which penalty shall in no case exceed the sum of ten dollars for each offence; and said corporation shall cause all such by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous place at each toll-house; and if any person or persons shall wantonly or maliciously mar, deface, or pull down any copy so set up, the said corporation may sue for and recover, to their own use, in manner aforesaid, a sum not exceeding five dollars, of any person or persons guilty of committing such injury or damage. And all the by-laws, votes and proceedings of said corporation shall be truly recorded by their clerk, in books kept for that purpose, which books shall at all times be subject to the inspection of the governor and council, or of a committee appointed for that purpose by the Legislature: *and provided, further*, that all persons and corporations shall have a right to convey passengers and property on said rail-road, under the rules and regulations, and at the rate of toll, thus adopted by said rail-road corporation.

Penalties for malicious injuries.

SECT. 12. *Be it further enacted*, That if any person or persons shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passing or repassing of any carriage on the said road, or in any way injure, spoil or destroy said rail-road, or any part thereof, or any thing belonging thereto, or any material to be used in the construction thereof, he, she or they, or any person or persons assisting, aiding or abetting in such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damage as shall be proved before any justice, court or jury, before whom the trial shall be had; to be sued for and recovered, in an action on the case, before any justice, or in any court proper to try the same, by the treasurer of said corporation, or other

officer whom they may direct, to the use of said corporation ; and such offender or offenders shall be liable to indictment, by the grand inquest for the county within which said trespass shall have been committed, for any offence or offences contrary to the above provisions ; and, on conviction thereof, either in the supreme judicial court, or any court of common pleas, to be holden in said county, shall pay a fine, not exceeding one hundred dollars, nor less than thirty, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SECT. 13. *Be it further enacted*, That the Commonwealth shall have the right to subscribe to such portion of the stock in said corporation as the Legislature may deem expedient, upon the same terms and conditions as other stockholders, excepting that the payments therefor may be made by issuing treasury certificates, bearing an interest of four per cent., the principal payable in thirty years, or in such shorter term as the Legislature may determine, with the privilege to elect on their part, if they see fit, a proportionate number of directors, according to the sum so subscribed by them ; and in case the Commonwealth shall subscribe for any portion of the stock in the said corporation, the shares so subscribed shall not be alienated during the continuance of this act.

Commonwealth
may subscribe
to the stock.

SECT. 14. *Be it further enacted*, That the right is hereby reserved to the Commonwealth, at any time after ten years from the completion of said road, of purchasing the interest of the stockholders therein, upon paying them the full amount of the cost thereof, together with such further sum as shall, with the profits they may have received from the road, amount to ten per cent. interest annually upon such cost.

Commonwealth
may purchase
rail-road.

SECT. 15. *Be it further enacted*, That the instalments for the stock shall be paid in the following manner, viz : two dollars on each share at the time of subscribing ; the next instalment of eight dollars upon each share, payable at any time after thirty days from the day the books are opened ; the other payments to be made by instalments, not exceeding ten dollars, within any period of sixty days, at such times as the directors may determine ; and when any instalment is called for, notice of the same shall be given in one or more of the newspapers published in the city of Boston, and in one paper at least in each of the counties of Middlesex, Worcester and Franklin, signed by the treasurer of the corporation.

Instalments,
how to be paid.

SECT. 16. *Be it further enacted*, That if five thousand shares shall not have been subscribed, and the corporation organized, and location of one third part at least of the route filed in manner before provided, previous to the first day of January, one thousand eight hundred and thirty-one ; or, if the shares have been so subscribed, the company organized, and location made as aforesaid, the said corporation shall fail to complete the said rail-road before the first day of January, one thousand eight hundred

Conditions of
this act.

and thirty-five, in either of the before mentioned cases this act shall be null and void. [*March 10, 1830.*] Add. act, 1830 ch. 17 : 1832 ch. 79.

Chap. 94.

An ACT to establish the Massachusetts Rail-road Corporation.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Harrison G. Otis, Joseph Coolidge, Israel Thorndike, William Prescott, Francis J. Oliver and Phinehas Upham, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, under the name of the "Massachusetts Rail-road Corporation," and by that name may be, and hereby are made capable in law, to sue and to be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any courts of record, or in any other place whatever ; to make, have and use a common seal, and the same to break, renew or alter at pleasure ; and shall be, and hereby are, vested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as herein after set forth. And the said corporation are hereby authorized and empowered to locate, construct and finally complete a rail-road, commencing at or near the city of Boston, and thence to the westerly line of the Commonwealth, at such point as shall be found most expedient, with a view to its final termination at the Hudson river, at some place near Albany or Troy, in the state of New York, in such manner and form as they shall deem most expedient. And for this purpose the said corporation are authorized to lay out their road, at least four rods wide, through the whole length ; and for the purpose of cutting, embankments, stone and gravel, may take as much more land as shall be necessary for the proper construction and security of said road. *Provided, however,* that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purposes aforesaid, shall be paid for by said corporation in manner herein after provided.

Route of rail-
road.

Amount of cap-
ital stock, and
officers of the
corporation.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of thirty-five thousand shares of one hundred dollars each. And the immediate government and direction of the affairs of said corporation shall be vested in twelve directors, who shall be chosen by the members of the corporation, in the manner herein after provided, who shall hold their offices for one year, and until others shall be duly elected and qualified to take their places as directors ; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president of the corporation, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bond to the corporation, with sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SECT. 3. *Be it further enacted*, That the president and directors, for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said rail-road, and all such other powers and authority for the management of the affairs of said corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant ; to purchase and hold lands, materials, and other necessary things, in the name of the corporation, for the use of the road ; to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the progress and execution of the work, and direct the same to be paid to the treasurer of the corporation ; and the treasurer shall give notice of all such assessments. And in case any subscriber shall neglect to pay his assessments for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser. And such delinquent subscriber shall be held to pay to the corporation any balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and the costs of sale : *provided, however*, that no assessments shall be laid upon any one share in said corporation of a greater amount in the whole than one hundred dollars.

Powers granted to the president and directors.

Proviso.

SECT. 4. *Be it further enacted*, That the said corporation shall have power to make, ordain and establish all such by-laws, rules, regulations and ordinances, as they shall deem expedient and necessary, to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating and securing the interests and affairs of the corporation : *provided*, the same be not repugnant to the constitution and laws of the Commonwealth.

By-laws.

Proviso.

SECT. 5. *Be it further enacted*, That a toll be and hereby is granted and established, for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established, from time to time, by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things, in relation to the use of said road, shall be in conformity to such rules, regulations and provisions, as the directors shall, from time to time, prescribe and direct ; and said road may be used by any persons who shall comply with such rules and regulations : *provided, however*, that if, at the expiration of four years from and after the opening of said rail-road for use, the net in-

Tolls.

Proviso.

come or receipts from tolls, and other profits, shall have amounted to more than ten per cent. per annum upon the whole cost of the road, from the time of the disbursements, the Legislature may take measures to alter and reduce the rate of tolls, and other profits, in such manner as to take off the overplus for the next four years, calculating the amount of transportation upon the road to be the same as the four preceding years ; and at the expiration of every four years thereafter, the same proceedings may be had : *provided, however*, that it shall be in the power of the government, at any time after ten years from the completion and opening said rail-road from Boston to the Hudson river, to purchase of the said corporation, the said rail-road, and all the franchise, property, rights and privileges thereof, on paying therefor the amount expended in making the same, and all other expenses relating thereto, together with interest thereon from the time of the disbursements, at the rate of ten per cent. per annum, deducting all the income received by said corporation, until such purchase shall have been made.

Commonwealth
may purchase
rail-road.

Toll-houses
gates, &c.

SECT. 6. *Be it further enacted*, That the directors of said corporation for the time being are hereby authorized to erect toll-houses, establish gates, appoint toll-gatherers, and demand toll upon the road, when completed, and upon such parts thereof from time to time as shall be completed, and they shall, from year to year, make a report to the Legislature of their acts and doings, under the provisions of this act. They are also hereby authorized to purchase and hold such lands, in the name of the corporation, as may be necessary for the use of the said road.

Liability of the
corporation for
damages.

SECT. 7. *Be it further enacted*, That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land, stone or gravel, for the use of said rail-road, when the same cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law, for the recovery of damages happening by the laying out of highways.

Land of infants,
&c., how taken.

SECT. 8. *Be it further enacted*, That when the lands or other property or estate of any married woman, infant, or person *non compos mentis*, shall be necessary for the construction of said rail-road, the husband of such married woman, and the guardian of such infant or person *non compos mentis*, may release all damages in relation to the land or estates, to be taken and appropriated as aforesaid, as fully as they might do, if the same were holden by them, in their own right respectively.

Penalty for ma-
licious injuries.

SECT. 9. *Be it further enacted*, That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail-road, or in any way spoil, injure or destroy said rail-road, or any part thereof, or any thing belonging thereto, or any materials or implements to be employed in the construction or for the use of said road ; he, she or they, or any person or persons assisting, aiding or abetting in such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the

justice, court or jury, before whom the trial shall be had ; to be sued for and recovered before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand inquest, for the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions, and on conviction thereof before any court of common pleas, to be holden in said county, shall pay a fine, not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned, for a term not exceeding one year, at the discretion of the court, before whom the conviction may be had.

SECT. 10. *Be it further enacted*, That if the said rail-road, in the course thereof, shall cross any private way, the corporation shall so construct said rail-road as not to obstruct the safe and convenient use of such private way ; and, if said rail-road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury ; and, if the said rail-road shall, in the course thereof, cross any canal, turnpike, or other highway, the said rail-road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway. And the said corporation shall have power to raise or lower such canal, turnpike, or highway, so that the said rail-road, if necessary, may conveniently pass under or over the same. And if said rail-road shall not be so constructed as to provide for a safe and convenient use of such turnpike or highway, the proprietors of such canal or turnpike, or the selectmen of the town or towns in which said highway may be situated, may institute and prosecute to final judgment and execution in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damages for any injury which shall have been sustained, with costs of suit.

Rail-road, how to be constructed in case it cross a public or private way.

SECT. 11. *Be it further enacted*, That the time of holding the annual meeting for the choice of officers shall be fixed and determined in the by-laws of said corporation ; and, at all meetings of the corporation, each stockholder shall be entitled to vote in person, or by proxy duly authorized in writing, in the following ratio, viz : for one share one vote ; for every two additional shares under ten, one vote ; and for every four additional shares over ten, one vote : *provided, however*, that no stockholder shall be entitled to more than thirty votes. Any two of the persons named in this act are hereby authorized to call the first meeting of said corporation, by giving notice in two of the newspapers printed in Boston, and one or more newspapers printed in each of the counties of Middlesex, Worcester, Hampden, Hampshire, Franklin and Berkshire, stating the time, place and purposes of such meeting, at least fourteen days before the time mentioned in said notice. The first board of directors shall hold their offi-

Time of holding annual meeting, and right of voting.

First meeting.

ces until the first annual meeting, to be provided for in the by-laws as aforesaid, and until others are elected and qualified to fill their places.

Conditions of
this act.

SECT. 12. *Be it further enacted*, That, if five thousand shares of the stock shall not have been subscribed, the company organized, and the location of one third part, at least, of the route hereby authorized to be made, filed with the county commissioners of the county or counties in which the land proposed to be taken therefor is situate, on or before the first day of January, in the year of our Lord one thousand eight hundred and thirty-one; or, if the said stock shall have been subscribed, the company organized, and the location filed as aforesaid, the said corporation shall fail to complete their said rail-road before the first day of January one thousand eight hundred and thirty-five, in either of the before mentioned cases, this act shall be void, and of no effect. [March 12, 1830.]

Chap. 95.

An Act to establish the Boston, Providence and Taunton Rail-road Corporation.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Frederic Tudor, Richard D. Tucker, John S. Boies, Thomas B. Wales, Leonard Foster and William Foster, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Boston, Providence and Taunton Rail-road Company; and they shall be capable in law to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any court of record, or in any other place whatever; to make, have and use a common seal, and the same to break, renew or alter at pleasure; and shall be, and are hereby vested with the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as herein after set forth. And said corporation is hereby authorized and empowered to locate, construct, and finally complete a rail-road, commencing at or near the city of Boston, and thence to the navigable waters of Pawtucket river in Seekonk, or to the line of the state of Rhode Island in Pawtucket, and also from some convenient part of said rail-road to the town of Taunton, and thence to that part of Taunton river at which the waters thereof are permanently navigable, in such manner and form as they shall deem most expedient; and for this purpose the said corporation are authorized to lay out their road at least four rods wide through the whole length; and for the purpose of cuttings, embankments, stone and gravel, may take as much more land as shall be necessary for the proper construction and security of said road: *provided, however*, that all damages that may be occasioned to any person or corporation by the taking of such land or materials for the purposes aforesaid, shall be paid for by said corporation in the manner herein after provided.

Route of rail-
road.

Capital stock,
shares and di-
rectors.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of five thousand shares of one hun-

dred dollars each; for which purpose books shall be opened in the city of Boston, after fourteen days notice thereof, and shall admit all subscribers to said stock who may wish to become stockholders. Said books shall be kept open at least four days; and in case more than five thousand shares shall be subscribed for, the overplus may be stricken off by said directors on a graduated proportion from the subscribers of ten shares and upwards; and the immediate government and direction of the affairs of said corporation shall be vested in five directors, who shall be chosen by the members of the corporation in the manner hereafter provided, who shall hold their offices for one year, and until others shall be duly elected and qualified to take their place as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall also be president of the corporation, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SECT. 3. *Be it further enacted*, That the president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said rail-road; and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials and other necessary things, in the name of the corporation, for the use of said road; to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the progress and execution of the work, and direct the same to be paid to the treasurer of the corporation; and the treasurer shall give notice of all such assessments. And in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and cost of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and the cost of sale: *provided, however*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars on each share.

Powers of president and directors.

Accountability of delinquents.

Proviso.

SECT. 4. *Be it further enacted*, That the said corporation shall have power to make, ordain and establish all such by-laws, rules, regulations and ordinances as they shall deem expe-

By-laws.

dient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating and securing the interests and affairs of the corporation: *provided*, the same be not repugnant to the constitution and laws of the Commonwealth.

Tolls.

SECT. 5. *Be it further enacted*, That a toll be, and hereby is granted and established, for the sole benefit of said corporation, on all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established, from time to time, by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things, in relation to the use of said road, shall be in conformity to such rules, regulations and provisions as the directors shall, from time to time, prescribe and direct; and said road may be used by any person who may comply with such rules and regulations: *provided, however*, that if, at the expiration of four years from and after the opening of said road for use, the net income or receipts from tolls, and other profits, shall have amounted to more than ten per cent. per annum, upon the whole cost of the road, from the time of the disbursements, the Legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next four years, calculating the amount of transportation upon the road to be the same as the four preceding years; and at the expiration of every four years thereafter the same proceedings may be had.

Proviso.

Toll-houses and reports to Legislature.

SECT. 6. *Be it further enacted*, That the directors of said corporation, for the time being, are hereby authorized to erect toll-houses, establish gates, appoint toll-gatherers, and demand toll upon the road, when completed, and upon such parts thereof as shall, from time to time, be completed; and they shall, from year to year, make a report to the Legislature of their acts and doings under the provisions of this act.

Damages.

SECT. 7. *Be it further enacted*, That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their lands for said rail-road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Land of infants, &c., how taken.

SECT. 8. *Be it further enacted*, That when the lands or other property or estate of any married woman, infant, or person *non compos mentis*, shall be necessary for the construction of said rail-road, the husband of such married woman, and the guardian of such infant or person *non compos mentis*, may release all damages in relation to the lands or estates, to be taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

Penalties for malicious injuries.

SECT. 9. *Be it further enacted*, That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct

the passage of any carriage on said rail-road, or in any way spoil, injure or destroy said rail-road, or any part thereof, or any thing belonging thereto, or any materials or implements to be employed in the construction, or for the use of said roads; he, she, or they, or any person or persons, assisting, aiding or abetting in such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court or jury, before whom the trial shall be had; to be sued for and recovered before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and on conviction thereof before any court of common pleas, to be holden in said county, shall pay a fine not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SECT. 10. *Be it further enacted*, That the annual meeting of the members of said corporation shall be holden on the first Wednesday of January, at such time and place as the directors for the time being shall appoint; at which meeting five directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares: *provided*, they do not amount to more than one fourth part of the whole number. And the three persons first named in this act, or any two of them, are hereby authorized to call the first meeting of said corporation, by giving notice in the Daily Advertiser, published in Boston, and the Taunton and Dedham papers, of the time, place, and purpose of such meeting, at least ten days before the time mentioned in such notice.

Annual meeting, votes, &c.

SECT. 11. *Be it further enacted*, That if the said rail-road, in the course thereof, shall cross any private way, the said corporation shall so construct said rail-road as not to obstruct the safe and convenient use of such private way; and if said rail-road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury, and if the said rail-road shall, in the course thereof, cross any canal, turnpike, or other highway, the said rail-road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway. And the said corporation shall have the power to raise or lower such turnpike or highway, so that the said rail-road, if necessary, may conveniently pass under or over the same. And if said corporation shall raise or lower any such turnpike or highway pursuant thereto, and shall not so raise or lower the same as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town or towns in which said highway may be situate,

Crossings of public and private ways, &c.

as the case may be, said proprietors or selectmen may require, in writing, of said corporation, such alteration or amendment as they may think necessary ; and if the required amendment or alteration be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alterations or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damages, for all charges, disbursements, labor and services, occasioned by making such alteration or amendments, with costs of suit.

Government,
may purchase
rail-road.

SECT. 12. *Be it further enacted*, That it shall be in the power of the government, at any time during the continuance of the charter hereby granted, after the expiration of ten years from the opening for use of the rail-road herein provided to be made, to purchase of the said corporation, the said rail-road, and all the franchise, property, rights and privileges of the said corporation, on paying therefor the amount expended in making the said rail-road, and the expense of repairs and all other expenses relating thereto, with interest thereon, at the rate of ten per cent. per annum, deducting all income that shall have been received by the stockholders.

Conditions of
this act.

SECT. 13. *Be it further enacted*, That if the stock shall not have been subscribed for, the company organized, and location of the route filed with the county commissioners of the county or counties within which the land, proposed to be taken for the use of said rail-road, is situate, previous to the first day of January, in the year of our Lord one thousand eight hundred and thirty-one ; or if the stock being so subscribed for, the company organized and location made as aforesaid, the said corporation shall fail to complete the said rail-road, before the first day of January, in the year of our Lord one thousand eight hundred and thirty-five, in either of the before mentioned cases, this act shall be void, and of no effect. [March 12, 1830.] See 1831 ch. 55. 56.

Chap. 96.

An Act to authorize the Proprietors of Sargent's Wharf to extend the same.

Extension of
wharf author-
ized.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the proprietors of the wharf in the city of Boston, now called and known by the name of Sargent's Wharf, be, and they are hereby authorized and empowered to extend the said wharf towards the channel, to any distance not exceeding one hundred and sixty-five feet from the present end thereof, being the line to which the Proprietors of Union Wharf were authorized and empowered by an act of the General Court of February twenty-seventh, one thousand eight hundred and twenty-nine, to extend their wharf, but no further ; and that they shall have and enjoy the right and privilege of using and

occupying the flats adjacent to said wharf when so extended at the end, and at the sides thereof, in the same manner in which they have hitherto occupied and enjoyed the flats or docks adjoining said wharf as it now is : *provided, however*, that neither the said proprietors nor their assigns, shall have or claim any right to extend the said wharf, or to use and occupy the flats which shall be on the south side of said wharf when so extended, beyond a line drawn in continuation of the boundary line dividing the lands and flats of the petitioners from the lands and flats of the proprietors of Wilkinson and Pratt's wharf so called, or have or claim any right to extend the said Sargent's wharf, or to use and occupy the flats which shall be on the north side of said Sargent's wharf, when so extended, beyond a line drawn about eastwardly from the middle of a line extending from the northern boundary line of the lands of the proprietors of said Sargent's wharf to the southern boundary line of the lands of the proprietors of Union wharf so called, through the point at which said boundary lines, when extended, will intersect each other.

Proviso.

SECT. 2. *Be it further enacted*, That nothing herein contained shall be so construed as to authorize said proprietors to lessen or injure the rights or property of any other person or persons whatsoever. [March 12, 1830.] Add. act, 1833 ch. 35.

Rights of others protected.

An ACT in addition to an Act empowering Ezekiel Hale to open a Canal from Hale's mills to Little River bridge, in Haverhill.

Chap. 97.

1825 ch. 69.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of one year from the passing of this act is hereby granted to the said Ezekiel Hale, to enable him to construct and fully complete a navigable canal, and to open and clear out the channel of the Little river, as he was authorized to do by the provisions of the act to which this is in addition. [March 12, 1830.]

Time extended.

An ACT to incorporate the Hope Insurance Company.

Chap. 99.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nehemiah Parsons, and his associates, and their successors and assigns, be, and they hereby are incorporated and made a body politic, by the name of the Hope Insurance Company, for the purpose of making maritime loans, and insurance against maritime losses, and losses by fire, in the usual and customary manner, with all the privileges, and subject to all the duties and obligations, contained in a law, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and "an act authorizing the several insurance offices [*companies*] in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty,

Persons incorporated.

1817 ch. 120.

1819 ch. 141.

for and during the term of twenty years from and after the passing of this act ; and by the name aforesaid they may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and they may have a common seal, which they may alter at pleasure ; and they may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, that the said real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Real estate.

Capital stock, shares, and the payment thereof.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each ; and one hundred thousand dollars shall be paid in, in money, within sixty days after the first meeting of said company, and the residue within one year from the time of passing this act, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint ; and the capital stock shall not be transferred within one year from the passing of this act. And if the provisions of this act shall not have been complied with, in one year from the passing of this act, the same shall be void.

Number of directors, &c.

SECT. 3. *Be it further enacted*, That the stock, property and concerns shall be managed and conducted by eleven directors, one of whom shall be the president of the company ; and they shall hold their offices until the next annual meeting after their election, and until others are chosen in their stead ; and they, at the time of their election, shall be interested in the stock of the company, and citizens of this Commonwealth. And the directors shall be elected at the annual meeting of the company, which shall be holden at such time and place in the city of Boston, in the month of April annually, as the directors for the time being shall appoint ; of which meeting public notice shall be given in two of the newspapers printed in Boston, at least ten days previous to the meeting. The election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share of the stock : *provided*, that no stockholder, in his own right, shall be entitled to more than thirty votes ; and absent stockholders may vote by proxy.

Right of voting.

Election of president.

SECT. 4. *Be it further enacted*, That the directors, as soon as may be convenient after they shall be chosen, shall meet and elect one of their body to be the president of the company ; and he shall be sworn or affirmed to the faithful discharge of the duties of his office ; and he shall preside till the next annual meeting, and until another president shall be chosen. And in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election, at a meeting of the stockholders, to be called for that purpose, in the same manner that the annual election shall be called.

SECT. 5. *Be it further enacted*, That the president and five directors, or six directors in the absence of the president, shall be a board competent to transact all the business which is referred to them ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and alter such by-laws as to them may appear useful for the management and disposition of the property and concerns of the company : *provided*, that the same be not repugnant to the laws and constitution of the Commonwealth. And said directors may appoint all officers and agents, that in their opinion the affairs of the company may require, and prescribe their duties, and fix their compensation, invest and manage the capital and income of the company, pay losses, declare and pay dividends, and do all things which the company might lawfully do excepting as is otherwise herein provided.

Board for transaction of business.

SECT. 6. *Be it further enacted*, That the said Nehemiah Parsons be, and he is hereby authorized, as soon as shall be convenient after the passing of this act, to call the first meeting of said company, for the purpose of organizing the corporation, and choosing directors, by advertising notice of the time and place of the meeting in two of the newspapers printed in Boston, at least two weeks previous to the meeting.

First meeting.

SECT. 7. *Be it further enacted*, That said company shall not take any risk, or subscribe any policy, till one half of their capital shall be paid in ; and they shall at no time take any one risk, by way of a policy of insurance, maritime loan, or bottomry, or otherwise, to a greater amount than ten per cent. on their capital actually paid in.

Limitation of risks.

SECT. 8. *Be it further enacted*, That the Hope Insurance Company shall be located in Boston ; and it shall be liable to be taxed by any general law providing for the taxation of all similar corporations that are liable by law to be taxed. [March 12, 1830.] Add. act, 1830 ch. 75.

Liability to be taxed.

An ACT for the preservation of Strait Pond Flats (so called) lying in the towns of Cohasset, in the county of Norfolk, and Hull, in the county of Plymouth.

Chap 100.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the passing of this act, it shall not be lawful for any person or persons, without the consent of the proprietors of said flats, to take, carry away, or remove by land or by water, from off the beaches extending from Nathaniel Nichols's dwelling-house in Cohasset to Nantasket neck, any stones, gravel or sand, and every person so offending, and being convicted thereof shall forfeit and pay, for each and every ton of stones, gravel and sand, so taken and carried away, the sum of five dollars, and in proportion for a greater or less quantity, with costs of suit, to be recovered in an action of debt by any person who shall first sue therefor in any court proper to try the same, one half to his own use, the other to the proprietor of said flats.

The taking of gravel, &c., prohibited.

Penalty.

SECT. 2. *Be it further enacted*, That any person, having a legal title in or to any of the beaches which protect the said flats

Damages. from the sea, or to any right or interest therein, shall have a compensation in damages to be paid by said proprietors, for any injury he may sustain under any of the provisions of this act, which damages shall be estimated by a jury, to be awarded by the Supreme Judicial Court, at any of their terms to be held in either of the counties of Plymouth or Norfolk, and recovered with costs, in the same manner in which damages are estimated and recovered by persons injured by laying out of highways :

Proviso. *provided*, application therefor be made by petition to said court, within twelve months from and after the passing of this act, saving to the said proprietors the right to contest the title of any such applicant, in and to the said beaches, or any of them, or any part of them, by pleading to issue to any such petition, and any such issue, whether in law or fact, shall be tried in said court, and, if such issue shall be finally determined against such applicants, said proprietors shall recover their costs. [March 12, 1830.]

Chap 102. An Act authorizing the Fall River Iron Works Company to build a Wharf on Taunton River in the town of Troy.

1824 ch. 60.

Erection of wharf authorized.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Fall River Iron Works Company, in the town of Troy and county of Bristol, be, and the same hereby are authorized and empowered to build a wharf near said iron works and extending into Taunton Great River, so far as to have fourteen feet of water at common low tide, and that the said company be allowed the exclusive use of the water, for the use, accommodation and occupation of said wharf: *provided*, the erection and improvement of said wharf shall in no wise affect the legal rights of any other person or persons whatsoever. [March 12, 1830.] See 1834 ch. 118.

Chap 103.

An Act to incorporate the Worcester County Athenæum.

Persons incorporated.

Real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Waldo, Rejoice Newton, John W. Lincoln, Abijah Bigelow, William Lincoln, Frederick W. Paine, Emory Washburn, Thomas Kinnecutt, Isaac Davis, and Isaac Goodwin, together with all other persons who are or shall become members of the said association, be, and they hereby are incorporated, by the name of the "Worcester County Athenæum;" and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any courts of law, or elsewhere, in all manner of actions, pleas or controversies whatsoever; and in their said corporate capacity, and by their said name, they and their successors shall be capable in law to purchase, receive, have, hold, take, possess and enjoy, in fee simple or otherwise, lands, tenements, rents and hereditaments, not exceeding in the whole the yearly value of two thousand dollars, exclusive of the building or buildings which may be actually occupied, or used for literary purposes. And the said corporation

and their successors shall be capable of taking, receiving and holding, by donation, subscription, bequest or otherwise, money, goods, chattels, effects and credits, to an amount, the yearly value of which shall not exceed three thousand dollars, exclusive of their books, and cabinet of minerals, or other curiosities; so that the estate aforesaid shall be appropriated for the promotion of literature, of the arts and sciences, and not otherwise: and the said corporation and their successors shall have power to give, grant, sell, alien, convey, exchange or lease, all or any part of their lands, tenements, or other property, for the benefit and advantage of said corporation.

Personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may have a common seal, for their use and benefit, with full power to alter, change, or renew it, whenever they shall think the same expedient.

Common seal.

SECT. 3. *Be it further enacted*, That the said corporation shall have power to determine when and where their meetings shall be holden, and the manner of notifying and calling the same, and power to choose such officers, with such powers, as they shall judge expedient, and to make by-laws for the due government of the said corporation, and for the due and orderly conducting the affairs thereof, and for and concerning all matters and things relating to said corporation, and the same at pleasure to alter, amend or repeal: *provided, however*, that the powers vested in their said officers, and the said by-laws, shall not be repugnant to the constitution and laws of this Commonwealth.

By-laws, &c.

Proviso.

SECT. 4. *Be it further enacted*, That the said corporation shall have power to impose suitable fines, not exceeding five dollars for the non-fulfilment or breach of the same by-laws, and the said corporation shall have a suitable remedy by action, to recover such fines, in any court of law proper to try the same.

Fines and the recovery thereof.

SECT. 5. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment, duly imposed upon his share or shares in said corporation, for the space of sixty days after the time set for the payment thereof, the treasurer of said corporation is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, after duly notifying, in one of the newspapers printed in the town of Worcester, the sum due on such share or shares, and the time and place of sale, at least thirty days before the time of such sale; and such sale shall be a sufficient transfer of the share or shares so sold to the purchaser; and upon producing a certificate of such sale from the treasurer, such purchaser shall be entitled to a transfer of the share or shares so sold, on the books of the corporation, and shall be considered, to all intents and purposes, the proprietor thereof; and the overplus of such sale, if any there be, after payment of such assessment, and incidental charges, shall be paid on demand, by such treasurer, to the person whose share or shares were sold as is before provided.

Sale of delinquents' shares.

SECT. 6. *Be it further enacted*, That any three of those whose names are before mentioned, shall have power to call the

First meeting.

first meeting of the said corporation, by advertising the same three weeks successively before the time of such meeting, in one of the newspapers printed in the town of Worcester, and at the same meeting the said corporation may proceed to execute any or all the powers vested in them by this act. And this act may be altered, or amended, at the pleasure of the Legislature. [March 12, 1830.]

Chap 104.

1824 ch. 151.

An ACT to repeal "An Act to incorporate the President, Directors and Company of the Farmers Bank in Belchertown."

Repeal.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That "an act to incorporate the president, directors and company of the Farmers Bank in Belchertown," passed on the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and twenty-five, is hereby "declared to be forfeited and void," and from and after the passing of this act, is, and shall be taken to be, wholly repealed: *provided, however,* that nothing in this act contained shall be so construed as to absolve the said corporation, or any director or stockholder thereof, from any liability created by the act hereby repealed. [March 12, 1830.]

Chap 105.

1827 ch. 110.
1828 ch. 15.

An ACT to repeal "An Act to incorporate the President, Directors and Company of the Brighton Bank."

Repeal.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That "an act to incorporate the president, directors and company of the Brighton Bank," passed on the tenth day of March, in the year of our Lord one thousand eight hundred and twenty-eight, is hereby "declared to be forfeited and void," and from and after the passing of this act, is, and shall be taken to be, wholly repealed: *provided, however,* that nothing in this act contained shall be so construed as to absolve the said corporation, or any director or stockholder thereof, from any liability created by the act hereby repealed. [March 12, 1830.] Add. acts, 1833 ch. 174: 1834 ch. 88.

Chap 106.

1796 ch. 72.
(v. 2. p. 130.)
1804 ch. 36.
(v. 3. p. 471.)
1817 ch. 21.

Meeting may be called.

An ACT in addition to the several acts relating to the Second Massachusetts Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David White, of Heath, in the county of Franklin, be, and he is hereby authorized to call a meeting of the Proprietors of the Second Massachusetts Turnpike Corporation, for the purpose of choosing a clerk, by personally notifying each proprietor of said corporation, or by leaving a written notice at the usual place of abode of such proprietor, his or her agent, of the time and place of such meeting, fourteen days at least before the time of holding the same. [March 12, 1830.] Corporation dissolved, 1833 ch. 98.

An ACT to incorporate the Proprietors of the First Congregational Meeting-house in Oxford. *Chap 107.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Davis, Sterns Dewit, Stephen Davis, Delano Pierce, and Josiah Russell their associates and successors, be, and they hereby are made a body corporate, by the name of the Proprietors of the First Congregational Meeting-house in Oxford, and by that name may sue and be sued, and may ordain rules and regulations, not repugnant to the laws of this Commonwealth, and choose such officers as the good management of the affairs of said body corporate may at all times require; and, in managing the affairs of said meeting-house, no proprietor shall be entitled to more than one vote, and the proprietors of a single pew shall be entitled to one vote and no more. *Persons incorporated.*

SECT. 2. *Be it further enacted,* That said corporate body shall have power to raise money by assessment on the pews in said meeting-house, for the purpose of keeping the same, and its appurtenances, in repair, to be assessed and collected agreeably to the provisions of the act, entitled “an act authorizing the proprietors of churches, meeting-houses, and other houses of public worship to regulate and manage their property and interest therein.” *Assessments.*

SECT. 3. *Be it further enacted,* That Jonathan Davis, the first on the list of said corporators, may call the first meeting of said body corporate, by posting notice of the time and place thereof, in some conspicuous place in said meeting-house, eight days at least before the time he may so appoint. *1317 ch. 139.*

SECT. 4. *Be it further enacted,* That this act shall be subject to revision or repeal, at the will of the Legislature. [*March 12, 1830.*] *First meeting.* *Legislative control.*

An ACT to incorporate the Grafton Manufacturing Company.

Chap 109.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Cabot, Israel Thorndike, Robert G. Shaw, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are created a body corporate, by the name of the Grafton Manufacturing Company, for the purpose of manufacturing, at Grafton, in the county of Worcester, cotton, woollen, linen, and other goods, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided, respecting such corporations, in and by an act, passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled “an act defining the general powers and duties of manufacturing corporations.” *Persons incorporated.* *Powers and duties.*

1829 ch. 53.

SECT. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, at said Grafton, not exceeding in value the sum of one hundred and fifty thousand dollars, and such personal estate, not exceeding in value a like sum, as *Real and personal estate.*

may be suitable and convenient for carrying on the manufactures aforesaid. [March 12, 1830.]

Chap 111.

An ACT to incorporate the Proprietors of the Crown and Eagle Mills.

Persons incor-
porated.

Powers and
duties.

1829 ch. 53.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Robert Rogerson and Handel Rogerson, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are created a body corporate, by the name of the Proprietors of the Crown and Eagle Mills, for the purpose of manufacturing cotton goods, at Uxbridge, in the county of Worcester; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided in and by an act, passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled “an act defining the general powers and duties of manufacturing corporations.”

SECT. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value two hundred thousand dollars, as may be suitable and convenient for carrying on the manufacture aforesaid. [March 12, 1830.]

Chap 112.

An ACT concerning the jurisdiction of the Police Court in the City of Boston.

Police court
shall have con-
current jurisdic-
tion with muni-
cipal court in
certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the police court of the city of Boston shall have concurrent jurisdiction with the municipal court of said city, in all cases (excepting where the fine, penalty or forfeiture exceeds twenty dollars) arising under an act entitled “an act in addition to an act entitled an act for the due regulation of licensed houses,” passed in the year of our Lord one thousand eight hundred and sixteen, and under the act to which this [that] is in addition, the prosecution in such cases to be upon complaint or information, as in other cases in said police court, saving always the right of appeal, as in other cases, to the said municipal court, any thing to the contrary hereof in the said acts notwithstanding. [March 12, 1830.] Repealed 1830 ch. 12.

Chap 113.

An ACT to confirm the extension of Wright and Dame's Wharves.

Extension of
wharves con-
firmed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the wharves on the east side of Sea street, in the city of Boston, near the Free Bridge, known by the name of Wright and Dame's wharves, be confirmed in their extension of said wharves below the line of low water mark, upon the condition that the end of the South wharf shall be removed, agreeably to the judgment of the municipal court in the city of Boston, and upon the further condition, that the said wharves shall continue to be built upon piles, and not filled up with any solid materials, and not be extended beyond the limits herein authorized.

Rights of others
protected.

SECT. 2. *Be it further enacted,* That nothing herein contained shall be so construed as to authorize said proprietors to lessen or injure the rights or property of any other person or persons whatsoever. [March 12, 1830.]

An ACT to incorporate the Boston and Providence Citizens Coach Company.

Chap 117.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Windsor Fay, David Homer, Jabez Bullard, William Willet, Calvin Bullard, Benjamin V. French, with such others as may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of Boston and Providence Citizens Coach Company, for the purpose of conveying passengers between the city of Boston and the town of Providence in Rhode Island, with liberty to convey passengers to and from said places, and all other towns and places on the aforesaid route ; and for that purpose shall have all the powers and privileges, and shall be subject to all the duties, restrictions and liabilities, prescribed and contained in an act entitled “an act defining the general powers and duties of manufacturing corporations,” passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto, passed previous to the present session of this Legislature : *provided, however,* that said company shall not ask or demand for the conveyance of any passenger, with the usual baggage, any greater sum than two dollars and fifty cents, between the city of Boston and the town of Providence, and in the same proportion, as nearly as may be, for all intermediate distances, under a penalty of twenty dollars, to be recovered by any person aggrieved thereby, in any court proper to try the same.

Persons incorporated.

Powers and duties.

1808 ch. 65.

Rates of fare.

SECT. 2. *Be it further enacted,* That said company may lawfully hold and possess such real estate, not exceeding the value of fifty thousand dollars, and personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary for the purpose of carrying into effect the objects of this act.

Real and personal estate.

SECT. 3. *Be it further enacted,* That the name of said company shall be conspicuously affixed to all carriages which may be used by them ; and if said company shall neglect to comply with this requirement, they shall be liable to forfeit and pay ten dollars for each and every day during which any of their said carriages may be employed in the transportation of passengers without having their said name so affixed thereto ; which forfeiture may be sued for and recovered in any court of competent jurisdiction, by the person who shall first sue for the same, to his own use ; and said company shall be responsible for all baggage or other property committed to them, their agents or drivers, to be conveyed on any of said routes, or any part thereof.

Name of company to be affixed to carriages.

SECT. 4. *Be it further enacted,* That this act may be amended or repealed at the pleasure of the Legislature. [*March 12, 1830.*]

Legislative control.

Chap 118.

An Act to establish the Eastern Stage Company.

Persons incor-
porated.Powers and
duties.

1808 ch. 65.

Rates of fare.

Real and per-
sonal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nehemiah Cleaveland, Jeremiah Colman, Benjamin Hale, Henry Whipple, Joseph Winn, John Winn, Seth Sweetser, Henry Elkins, John Heard, Ebenezer Mosely, and Thomas Perkins, with such other persons as now are or may hereafter be associated with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Eastern Stage Company, for the purpose of conveying passengers between the city of Boston, and the towns of Portsmouth and Dover in the state of New Hampshire ; also from Newburyport to Lowell in the county of Middlesex ; and may have a common seal, may sue and be sued, and may make and establish such by-laws and regulations, and may appoint such officers, directors, and agents, as they shall find necessary for the due management of their concerns : *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth. And they shall have liberty to convey passengers to and from all places on the aforesaid routes, and shall have all the powers and privileges, and shall be subject to all the duties, restrictions and liabilities, prescribed and contained in “an act defining the general powers and duties of manufacturing corporations,” passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto, passed previous to the present session of the Legislature : *provided, however*, that said company shall not ask or demand, for the conveyance of any passenger, with usual baggage, any greater sums than the following, to wit : in the stage which carries the great eastern mail, between Boston and Portsmouth, four dollars ; between Boston and Newburyport, two dollars and fifty cents ; between Boston and Salem, one dollar and twenty-five cents ; between Salem and Ipswich, eighty-eight cents ; between Ipswich and Newburyport, eight-eight cents ; and between Newburyport and Hampton, seventy-five cents ; and in all other stages between Boston and Portsmouth, and between Boston and Dover, three dollars ; between Boston and Newburyport, two dollars ; between Newburyport and Dover, one dollar and fifty cents ; between Boston and Lynn, fifty cents ; between Lynn and Salem, fifty cents ; between Salem and Topsfield, fifty cents ; between Topsfield and Newburyport, seventy-five cents ; between Salem and Ipswich, seventy-five cents ; between Ipswich and Newburyport, seventy-five cents ; between Newburyport and Hampton, seventy-five cents ; between Newburyport and Exeter, seventy-five cents ; and between Newburyport and Lowell, one dollar and fifty cents ; under a penalty of twenty dollars, to be recovered by any person aggrieved thereby, in any court proper to try the same.

SECT. 2. *Be it further enacted*, That said corporation may lawfully hold and possess such real estate, not exceeding the

value of fifty thousand dollars, and personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary for the purpose of carrying into effect the objects of this act.

SECT. 3. *Be it further enacted*, That the name of said company shall be conspicuously affixed on all stage coaches which may be used by them ; and if said company shall neglect to comply with this requirement, they shall be liable to forfeit and pay ten dollars, for each and every day during which any of their said carriages may be employed in the transportation of passengers without having their said name so affixed thereto ; which forfeiture may be sued for and recovered in any court of competent jurisdiction, by the person who shall first sue for the same, to his own use ; and said company shall be responsible for all baggage, or other property committed to them, their agents or drivers, to be conveyed on any of said routes, or any part thereof.

SECT. 4. *Be it further enacted*, That this act may be amended or repealed at the pleasure of the Legislature. [*March* 12, 1830.]

An Act to repeal the fifth section of an Act entitled "An Act to incorporate the Proprietors of Boston South Bridge."

Chap 119.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the fifth section of an act entitled "an act to incorporate the proprietors of Boston South Bridge," passed the sixth day of March, in the year of our Lord one thousand eight hundred and four, be, and the same is hereby repealed. [*March* 12, 1830.] Add. acts, 1831 ch. 71 : 1832 ch. 136.

1803 ch. 113.
(v. 3. p. 371.)

An Act to change the names of the several persons therein described.

Chap 120.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gustavus A. G. Robinson may take the name of Gustavus A. Robinson ; that Lorenzo Dow Smith may take the name of Lorenzo Gray Smith ; that Erastus Learned may take the name of William Wilkinson Learned ; that Nabby Callender, wife of William B. Callender, may take the name of Frances Callender ; that Thomas Davis Park, a minor son of Thomas Park, may take the name of Thomas Hammond Park ; that Thomas Brown may take the name of Thomas William Brown ; that Mary Perrin Harrington, a minor, may take the name of Mary Harrington Perrin ; that George Stearns may take the name of George B. Stearns ; that John H. Whittemore may take the name of William Whittemore ; that Ruth Binney may take the name of Anna Walker Binney ; that Samuel Sumner Wilton Barrett may take the name of Sumner Foster Barrett ; that Thomas Davis may take the name of Thomas Kemper Davis ; that Edward Sherburne Manning English, a minor son of Thomas Stanhope English, may take the name of Stanhope English ; that Sally Perkins Withington may take the name of Sarah Perkins With-

Names changed.

Suffolk.

Essex.

ington ; that Meriam Mason Phillips, a daughter of the widow Theresa H. Phillips, may take the name of Theresa Henshaw Phillips ; that Eunice Smith Boardman may take the name of Ellen Smith Boardman ; that Levi B. Fiits may take the name of Levi B. Witt ; that Samuel Vose may take the name of Charles Lightburn Vose—all of the city of Boston, in the county of Suffolk. That Thomas Norwood Girdler, of Manchester, a minor son of John Girdler, may take the name of James Ingersoll ; that Ruth Choate, of Gloucester, may take the name of Helen Augusta Choate ; that John Felton, of Rowley, may take the name of John Grayham Milgrove ; that Samuel Cheney, of Bradford, may take the name of Samuel Wheeler Sawyer ; that William Winslow Mower, of Lynn, may take the name of Charles Winslow ; that William Kimball the third, of Bradford, may take the name of William N. Kimball ; that Lucy Brown, of Newbury, may take the name of Lucy Maria Brown ; that Moses Howe, of Rowley, may take the name of Moses Wood Howe ; that Nathaniel R. Dunphy, of Gloucester, may take the name of Nathaniel R. Webster ; that Nancy Dunphy, wife of said Nathaniel, may take the name of Nancy Webster ; that Elizabeth C. Dunphy, a minor daughter of said Nathaniel and Nancy, may take the name of Elizabeth C. Webster ; that their son, William Henry Dunphy, may take the name of William Henry Webster ; that Mary Ordway, of West Newbury, may take the name of Mary Melvina Ordway ; that Mary Pearson, of Rowley, may take the name of Mary Ethelinda Pearson ; that Noyes Pearson, of Rowley, may take the name of Charles Noyes Pearson ; that Charles Stevens, of Rowley, may take the name of Charles Mentraville Stevens ; that Gorham Jewett, of Rowley, may take the name of Gorham Laforace Miranda Jewett ; that James Bullock, of Salem, may take the name of James Ballard ; that Eliza Cotton Bullock, wife of said James, may take the name of Eliza Cotton Ballard ; that Mary Eliza Bullock, a minor daughter of said James, may take the name of Mary Eliza Ballard ; that James Charles Bullock, a minor son of said James Bullock, may take the name of James Charles Ballard ; that Henry Archer Bullock, a minor son of said James Bullock, may take the name of Henry Archer Ballard ; that Susan Archer Bullock, a minor daughter of said James Bullock, may take the name of Susan Archer Ballard ; that Angeline Lenier Bullock, a minor daughter of said James Bullock, may take the name of Angeline Lenier Ballard ; that Roswell Augustus Bullock, a minor son of said James Bullock, may take the name of Roswell Augustus Ballard ; that Antstiss Williams Crowninshield, of Salem, may take the name of Anna Casper Crowninshield ; that Joshua Ward, junior, of Salem, may take the name of Joshua Holyoke Ward ; that William Stearns, a minor son of Joshua Bracket Stearns, of Salem, may take the name of William Bracket Stearns ; that David Holt Abbot, of Andover, a minor son of Stephen Abbot, may take the name of Stephen David Abbot ; that Pesanti Sanchez, of Salem, may

take the name of George Leon ; that Nathan Berpee Jewett, of Newburyport, may take the name of Charles Augustus Warren ; that Joseph Batchelder, of Middleton, may take the name of Joseph Warren Batchelder ; that Sarah Howe, of Rowley, may take the name of Sarah Maria Howe—all of the county of Essex. That Samuel Devens, son of Davis Devens, of Charlestown, may take the name of Samuel Adams Devens ; that Richard Devens, a minor son of David Devens, of Charlestown, may take the name of Richard Goodwin Devens ; that Samuel Snow, of Reading, may take the name of Samuel Snow Rogers ; that Ruth Smith, of Woburn, lately the wife of Nathaniel Smith, may take the name of Ruth Cummings ; that Augustine Wellington, of Lexington, may take the name of Augustus Wellington ; that Jonathan Dix, of Charlestown, may take the name of Kimball W. Adams ; that John Wood, of Cambridge, may take the name of John Mason Wood ; that Charles Thurston Parkhurst, of Framingham, may take the name of Charles Ferdinand Wellington Parkhurst ; that Rebecca Richards Colburn, of Framingham, may take the name of Rebecca Florentina Augusta Colburn ; that Susan Parkhurst, of Framingham, may take the name of Susan Florentina Augusta Parkhurst—all of the county of Middlesex. That Peyton Randolph Gay, of Dedham, in the county of Norfolk, may take the name of Edward Henry Gay ; that Francis White Howard, of Sutton, a minor, may take the name of Francis Howard Chamberlain ; that Lemuel Davis Montague, of Holden, may take the name of Lemuel Davis ; that Timothy Boutelle, a minor son of the widow Sarah Boutelle, of Leominster, may take the name of Timothy Loring Boutelle ; that Benedict Arnold, of Fitchburg, may take the name of George Benedict Arnold ; that David Augustus Hall Grosvenor, of Harvard, may take the name of Augustus Hall Grosvenor—all of the county of Worcester. That Elizabeth Norton, of Hingham, may take the name of Elizabeth Cranch Norton ; that Beza Bisbee, of Plympton, may take the name of William Marshall Bisbee ; that Sarah Wade, of Scituate, may take the name of Sarah Totman—all of the county of Plymouth. That Andrew Addison Everett, of Middlefield, may take the name of Addison Everett ; that Gultor Chapin Warner, of Granby, may take the name of Jeremiah C. Warner ; that Laisdell Abels, of Northampton, may take the name of Franklin Laisdell Abels ; that Artenatus Sweetser, of Amherst, may take the name of Joseph Artenatus Sweetser ; that Peter Strong Burnell, of Chesterfield, may take the name of Strong Burnell ; that William Gore, of Northampton, may take the name of William Dwight Gore ; that Frederick Smith, of Northampton, may take the name of George Frederick Smith ; that Elizabeth Sumner Wright, of Northampton, daughter of the widow Hannah Wright, may take the name of Elizabeth Mosely Wright ; that Anna Clapp, of Easthampton, may take the name of Sarah Ann Clapp ; that Moses Lafayette Clapp, of Easthampton, a minor son of Medad Clapp,

may take the name of Lafayette Clapp ; that Charles Lyman Bisbee, of Goshen, may take the name of Charles Augustus Lyman ; that Asahel Abel, of Northampton, may take the name of Asahel Salmon Abels—all of the county of Hampshire. That William Howland, of New Bedford, may take the name of William P. Howland ; that Ishbosheth Simmonds, of Taunton, may take the name of James Simmonds ; that Gilbert Richmond, of Swansey, may take the name of Gilbert Richmond Lawless ; that Elizabeth Hathaway Staples, daughter of William B. Staples, of Taunton, may take the name of Elizabeth Hathaway Williams—all of the county of Bristol. That Thomas Bates, of Charlemont, son of Stephen Bates, deceased, may take the name of Thomas Shaw Bates ; that Lurena Eliott, of Leyden, may take the name of Lurena Chapin—all of the county of Franklin. That Squire Haskell Barrett, of Hinsdale, in the county of Berkshire, may take the name of Haskell Barrett. And that the several persons herein named shall hereafter be known and called by the names they are hereby respectively allowed to assume, as their only legal and proper names. [*March 12, 1830.*]

Chap 123. An ACT to incorporate the Proprietors of the Cattle Fair Hotel, in the town of Brighton.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thaddeus Baldwin, William P. Matchett, Jr., Lucius Doolittle, Benjamin Sargent, and Stephen Stone, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Cattle Fair Hotel ; and, by that name, may sue and be sued, defend and be defended, in any court of record, or other place whatsoever ; may have a common seal, and the same at pleasure may break, alter or renew ; and may make and ordain such by-laws, rules and regulations, as to them may appear necessary and convenient for the government of said corporation, and the prudent management of their affairs : *provided*, that such by-laws, rules and regulations, be not repugnant to the laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient for the purposes of purchasing lands, building, rebuilding and maintaining a large and convenient hotel, and other necessary out-buildings, for the erection of pens, and fences for enclosures or pastures, and for the improvement and management of the same : *provided*, the said capital shall not exceed in value the sum of fifty thousand dollars : *and provided further*, that the said corporation shall erect, on some eligible site near the meeting-house in the town of Brighton, a spacious and convenient hotel, which shall always be kept as a public house, and for no other purpose ; and shall also erect, and constantly maintain, in good repair, such other out-buildings and pens as shall be expedient or requisite for public use and accommodation, for the purposes of the object of

this incorporation. And this act may be altered, amended, or repealed, at the pleasure of the Legislature.

SECT. 3. *Be it further enacted*, That either two of the persons before named may call the first meeting of this corporation, by advertising the same in any one of the newspapers printed in Boston, ten days at least before the time of the proposed meeting, at which time they may elect necessary officers, and do such things as may be expedient for their organization. First meeting.

SECT. 4. *Be it further enacted*, That, if the said corporation shall fail to erect, and fully complete, a spacious and convenient hotel, a shed, or sheds, not less than two hundred feet by eighteen feet on the ground, and suitable for the shelter of horses and carriages, and conveniently located for the use of the public, to whom it shall be free of all charge for the use thereof, and good and convenient barns, with suitable and sufficient stalls to secure and feed not less than one hundred head of neat cattle, within two years from the passing of this act, then this act shall be void and of no effect. Conditions of this act. [March 12, 1830.]

An ACT to establish a Fire Department in the town of Danvers.

Chap 126.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Danvers, at their annual meeting for the choice of town officers, shall choose, by ballot, twelve persons as firewards in said town. Choice of firewards.

SECT. 2. *Be it further enacted*, That the firewards so chosen be, and they are hereby authorized and required to exercise all the powers, and to perform all the duties, in relation to the nomination and appointment of enginemen, which the selectmen of said town have been heretofore authorized and required to exercise and perform; and enginemen appointed by said firewards shall be subject to the same duties, and entitled to the same privileges and exemptions, as enginemen are by law entitled to when appointed by the selectmen. Powers of firewards.

SECT. 3. *Be it further enacted*, That the said firewards be, and they are hereby authorized, if they shall judge it expedient, to nominate and appoint any number of enginemen, in addition to the number now authorized by law, not exceeding in the whole forty men for each and every hydraulion or suction engine, twenty-five men for each and every common engine, four men to each hose carriage, twenty men to each sail carriage, and twenty men to be employed as a hook and ladder company; and the said enginemen are authorized to organize themselves into distinct companies, under the direction of the firewards; to elect directors, clerks, and other officers; to establish such rules and regulations as may be approved by the firewards, and to annex penalties to the same, which may be recovered by the clerk of any company so organized, before any justice of the peace in the county of Essex: *provided*, that no penalty shall exceed the sum of ten dollars, and that such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth. Firewards may appoint enginemen.

Firewards shall have the care of the public pumps, &c.

SECT. 4. *Be it further enacted*, That the said firewards shall have the care and superintendence of the public pumps and cisterns, and also of the public engines, hose and sail carriages, fire hooks and ladders, together with the buildings, fixtures and appendages thereto belonging, and shall cause the same to be kept in good repair, and may from time to time make such alterations and improvements therein, as they shall deem expedient: *provided*, that the sums expended for such repairs, alterations and improvements, shall not exceed in any one year the sum of one hundred dollars, unless the said town of Danvers shall have previously assented to a larger appropriation.

Penalties for malicious injuries.

SECT. 5. *Be it further enacted*, That if any person shall, within the said town of Danvers, wantonly and maliciously spoil, break, injure, damage, or render useless, any public pump or cistern, or any engine, hose carriage, sail carriage, or any fixture or appendage thereto belonging, and shall be convicted thereof before the supreme judicial court, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, at the discretion of the court, and be further ordered to recognize with sufficient surety or sureties, for his good behaviour, for such term as the court shall order.

Act to be in force when accepted by town.

SECT. 6. *Be it further enacted*, That this act shall be in force when accepted by the town, at a meeting of the inhabitants duly notified for this purpose; and the said inhabitants may, at such meeting, choose firewards, agreeably to the provisions of this act.

Legislative control.

SECT. 7. *Be it further enacted*, That this act may, at any time hereafter, be amended or repealed, at the pleasure of the Legislature. [March 12, 1830.]

Chap 127.

An ACT relating to the election of the School Committee in the town of Salem.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the town of Salem may elect such a number of persons to perform the duties of school committee, as the town, at its annual meeting for the choice of town officers, shall determine. [March 13, 1830.]

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[In this Index subjects not referred to in their alphabetical order will be found under some one of the following general heads, viz:

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